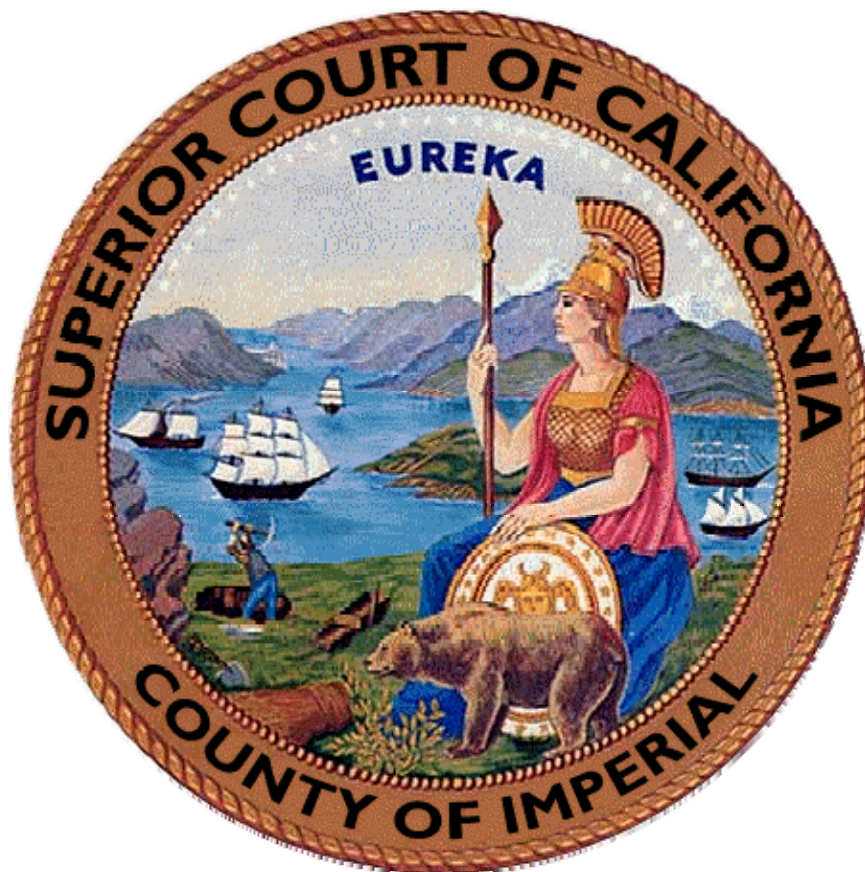


Superior Court of California
County of Imperial

Local Rules

Adopted, Effective January 1, 2011



The following Rules of Court for the Superior Court, County of Imperial are adopted January 1, 2011 and replace all rules previously adopted by the Superior Court, County of Imperial.

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Chapter 1

Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on January 1, 2011.

[Adopted July 1, 2007, amended January 1, 2009, amended effective January 1, 2011]

Rule 1.1 Citation of Rules

These rules shall be known and cited as the “Local Rules for the Superior Court of California, County of Imperial”. The rules may be referred to herein as the “Local Rules” and the Superior Court of California may be referred to herein as the “Court.”

[Adopted effective July 1, 2007]

Rule 1.2 Construction of Rules

These rules state local practices and are intended to supplement the California Rules of Court and state statutes. The rules shall be liberally construed to facilitate the proper and efficient administration of judicial business and to promote access to justice.

[Adopted effective July 1, 2007]

Rule 1.3 Amendments

The Local Rules may be established, amended, or repealed by a majority vote of the judges.

[Adopted effective July 1, 2007]

Chapter 2

Administrative and General Matters

Rule 2.0 Court Administration

All judges participate in court policy-making by means of regularly scheduled meetings of the entire membership of the judiciary and pursuant to established internal governance and administrative protocols. By majority vote, the judges may adopt standing orders, protocols, policy statements, executive orders and administrative directives, which need not be incorporated in these rules.

[Adopted effective July 1, 2007]

Rule 2.1 Presiding Judge and Assistant Presiding Judge

At a meeting of all the judges held not later than December 31st of every odd-numbered year, a Presiding Judge (“PJ”) and Assistant Presiding Judge (“APJ”) shall be selected as described in the Court’s governance and administrative protocols. Each judge selected shall serve for a term of two consecutive calendar years.

[Adopted effective July 1, 2007]

Rule 2.2 Court Executive Officer

The administrative functions of the Court shall be under the direction of the Court Executive Officer (“CEO”), who shall be selected by and serve at the pleasure of the judges. In addition to the duties set forth in California Rule of Court (CRC) 10.610, the CEO serves as clerk of the court and jury commissioner. The CEO shall perform such other duties as directed by the presiding judge, and has the authority to establish other necessary offices to meet the needs of the court.

[Adopted effective July 1, 2007]

Rule 2.3 Court Divisions

- (a) **Criminal Division** Six judges shall be assigned to preside over the criminal division, which includes both misdemeanors and felonies. Four judges shall be assigned in El Centro, one in Brawley, and one in Calexico. The judges in the criminal division shall, at a meeting held not later than December 31st of each year, designate a supervising judge of the criminal division (“SCJ”) to preside over the felony master calendar department. The PJ may, but need not, serve as SCJ.
- (b) **Civil Division** Two judges shall be assigned to preside over the civil division in El Centro and shall hear trials, law and motion, conservatorship and probate.
- (c) **Family and Juvenile Division** One judge and one commissioner shall be assigned to the family and juvenile division and shall hear matters as assigned by the Juvenile Presiding Judge.
- (d) **Infractions** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza, Brawley, Calexico, and Winterhaven Courthouses.
- (e) **Small Claims** An appointed referee shall hear small claims cases at designated times at the El Centro, Brawley, Calexico, and Winterhaven Courthouses.
- (f) **Appellate** Judges of the appellate division of the Court are designated by the Chief Justice of the California Supreme Court. In addition to appeals specified elsewhere by statute or rule, the appellate division

has jurisdiction over matters as required by these rules.

- (g) **Infractions for Juvenile** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (d) amended January 1, 2010, subd (g) adopted effective January 1, 2010]

Rule 2.4 Sessions of the Court

Sessions of the Court shall be held at the Courthouse in El Centro, (Main), El Centro Valley Plaza (1625 Main Street, El Centro), Brawley, Calexico, Winterhaven, as well as at the Juvenile Court (Located at the Probation Department, 324 Applestill Road, El Centro) and the Jail Court (Located at the Sheriff's Office Jail Complex, 328 Applestill Road, El Centro).

[Adopted July 1, 2007, amended effective January 1, 2010]

Rule 2.5 Departments of the Courts

The departments in the Courthouse in El Centro (Main) are designated:

Dept. 1, Dept. 2, Dept. 3, Dept. 5,
Dept. 7, Dept. 8, and Dept. 9.

The departments in other locations are designated:

Brawley East & Brawley West
Calexico
Jail
Juvenile
Valley Plaza
Winterhaven.

[Adopted July 1, 2007, amended effective January 1, 2010]

Rule 2.6 Clerk's Offices

A clerk's office shall be located at the El Centro, Valley Plaza, Brawley, Calexico and Winterhaven Courthouses.

[Adopted July 1, 2007, amended effective January 1, 2009]

Rule 2.7 Intra-County Venue and Filing

- (a) For purposes of intra-county venue, the County of Imperial is divided into Brawley, Calexico, El Centro, and Winterhaven venues. The Brawley venue is that portion of the County of Imperial lying north of Keystone Road; the Calexico venue is that portion of the County of Imperial lying south of Heber Road. The El Centro venue is that portion of the County of Imperial lying north of Heber Road and south of Keystone Road. The Winterhaven venue is the portion of the County of Imperial lying east of the intersection of Interstate 8 and State Route 98 east.
- (b) **Limited Civil Cases** A first paper for any party or a noticed motion for a limited civil case may be filed in Brawley, Calexico, and El Centro (Main) courthouses. All subsequent filings must be made in the proper location in accordance with local rule 2.7(a). All limited civil matters are heard in El Centro (Main) Courthouse.
- (c) **Small Claims Cases.** Plaintiff's Claim and Order to Go to Small Claims Court and the Defendant's Claim and Order to Go to Small Claims Court for a small claims case may be filed in Brawley, Calexico, El Centro (Main) and Winterhaven Courthouses. All subsequent filings must be made in the proper location in accordance with local rule 2.7(a).
- (d) **All Other Civil Filings.** All first papers and all subsequent filings in general or unlimited civil, family law, probate cases and appeals shall

be in the clerk's office in the El Centro (Main) Courthouse.

[Adopted July 1, 2007, subd (a)(b)(c), amended (b)(c), subd (d) January 1, 2009, amended (b)(c) effective January 1, 2010]

Rule 2.8 Late Filings

A paper presented late for filing, or filed the day before a hearing, will be accepted for filing by the clerk, but may not be placed in the court file prior to the hearing. It is the responsibility of the party filing such paper to deliver a copy thereof to the judge presiding over the matter.

[Adopted effective July 1, 2007]

Rule 2.9 Conformed Pleadings

When an original document is filed, the court will conform two copies thereof at no charge. If conformed copies are to be returned by mail or messenger, a stamped, self-addressed envelope or messenger slip must be submitted.

[Adopted effective July 1, 2007]

Rule 2.10 Court Security

- (a) Upon entering any Court building, all persons and their belongings will be screened and inspected for weapons. Unless required by law, a person may refuse to submit to screening and inspection, in which case he or she shall immediately leave the court building.
- (b) Notwithstanding any provision of law, no person may possess any object that could be construed as a weapon while in a Court building, including, but not limited to guns, knives, tools, sharp objects or pepper spray. However, except as provided below, bailiffs, correctional officers and law enforcement officers

employed by a federal, state, county or local jurisdictions may possess weapons while in the course and scope of their official duties.

- (c) A person authorized to possess a weapon pursuant to section (b) hereof shall not possess said weapon while in a Court building if he/she or a member of his/her immediate family or someone with whom he/she has a close relationship is a party to a pending proceeding to be heard that day.
- (d) Persons prohibited from possessing weapons pursuant to section (c) hereof shall, upon first entering the Court, immediately declare to the security officer, the fact of his or her possession of such weapon and shall then surrender such weapon for safekeeping.
- (e) Any violation of this rule may be punished as contempt and may result in imprisonment, a fine, or both.

[Adopted effective July 1, 2007]

Rule 2.11 Subordinate Judicial Officer Complaints

Investigation of complaints against commissioners and other subordinate judicial officers shall follow the procedures in CRC 10.703 as well as internal court governance procedures and administrative protocols.

[Adopted effective July 1, 2007]

Rule 2.12 Attendance at Hearings

- (a) Attorneys and self-represented litigants are required to promptly appear at all proceedings.
- (b) If an attorney or self-represented litigant will be late or will not appear

at any calendared proceeding, the attorney shall telephone the department in which the proceeding is set, prior to the time set for the appearance, and advise the clerk or bailiff that the attorney or litigant will be late or will not be present. Failure to so advise the clerk or bailiff may subject the violator to sanctions pursuant to Code of Civil Procedure section 177.5.

The telephonic advisement referred to in subdivision (b) of this rule does not excuse an attorney's failure to timely appear at a calendared proceeding.

[Adopted effective July 1, 2007]

Rule 2.13 Compliance with Rules

If counsel, a party represented by counsel, or a self-represented party fails to comply with any requirements of these Local Rules, the Court on motion of a party or on its own motion, may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees.

[Adopted effective July 1, 2007]

Rule 2.14 Pleadings

All pleadings submitted for filing will be legible. Changes to a pleading may be made by striking through the text to be changed and the strike through and addition, if any, are initialed and dated (a) by the person signing the document, and (b) by the clerk or judge at the time of filing to fulfill compliance with CRC 2.116. No change to a pleading shall contain any blocking out or obliteration of the text.

[Adopted effective July 1, 2008]

Chapter 3

Civil Rules

Division 1 General Provisions

Rule 3.1.0 Policy

It is the policy of the Court to manage cases in accordance with Sections 2.1 of the Standards of Judicial Administration contained in the Appendix to CRC. Nothing shall prevent the Court from making exceptions based on a specific finding that the interests of justice so require. However, no procedure or deadline, established by these rules or order of the Court may be modified, extended or avoided by stipulation or agreement of the parties, except as permitted Section 68616 of the Government Code, unless approved by the Court in advance of the date sought to be altered.

[Adopted July 1, 2007, Rule 3.0 renumbered effective January 1, 2009]

Rule 3.1.1 Case Assignment and Direct Calendaring

At the time a civil action is filed, the clerk will, pursuant to authority and direction of the Presiding Judge, assign it to a specified civil judge for all purposes. The name of the judge to whom the case is assigned shall be stamped or otherwise noted on the first paper and any conformed copy by the clerk. Thereafter, it shall be the duty of the parties to ensure that subsequently filed papers bear the name of assigned judge on the first page immediately to the right of the caption.

[Adopted July 1, 2007, Rule 3.1 renumbered effective January 1, 2009]

Rule 3.1.2 Case Management

- (a) In all general civil cases as the term is defined in CRC 1.6(4) a notice of case management conference will be delivered to the plaintiff upon the

filing of the complaint, setting the case management conference one hundred eighty (180) days from the date of filing of the case.

- (b) A copy of the notice of case management conference shall be served with the summons and complaint, and proof of service thereof shall be filed with the court.
- (c) In every general civil case specified in CRC 3.712(a) that has not been placed on the civil active list within one-hundred eighty (180) days of the filing of the complaint or other first paper, an order to show cause will be issued regarding dismissal for failure to comply. Notice of the time and date of the show cause hearing shall be given by the clerk at the direction of the Court.
- (d) Any party may, upon notice, move the Court for setting of a case management conference prior to one hundred eighty (180) days from the filing of the case, if the party contends that an earlier case management conference would facilitate the expeditious preparation of the matter for trial.
- (e) It is the policy of the court to hold the case management conference on the date originally set. In cases where no defendants have appeared, a continuance may be requested ex parte based on a declaration showing good cause why the conference should be continued.
- (f) A Notice of Case Management Conference will not be issued in uninsured motorist cases, coordinated cases and collections cases pursuant to CRC 3.712.

[Adopted July 1, 2007, subd (c) amended January 1, 2010, subd (f) adopted effective January 1, 2010]

Rule 3.1.3 Repealed

[Previously adopted July 1, 2007; renumbered effective January 1, 2009; Rule 3.1.3 repealed effective January 1, 2010]

Rule 3.1.4 Expert Witnesses and Fees

(a) Excessive expert witness fees may limit access to the courts and undermine the quality of justice. Accordingly, it is the policy of the Court that the Court will consider the ordinary and customary fees charged by similar experts for similar services within the relevant community.

(b) Based on the collective experience of the courts, the following hourly rates appear to be representative of the ordinary and customary fees charged for expert testimony in this community:

\$250 Physicians, osteopaths, surgeons, dentists and psychiatrists

\$250 Attorneys

\$200 Psychologists

\$200 Economists

\$200 Engineers, architects

\$150 Chiropractor

(c) Parties will be permitted to designate call at trial. It is the policy of the Court that parties are limited to one expert per field of expertise per side, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.3 renumbered effective January 1, 2009]

Rule 3.1.5 Jury Fees

All jury fee deposits shall be accompanied by a notice of jury fee deposit, which shall be served on all parties.

[Adopted July 1, 2007, Rule 3.5 renumbered effective January 1, 2009]

Rule 3.1.6 Stays of Action

(a) If a party causes a stay of proceedings in accordance with CRC 3.650, the Court may either stay the action upon receipt of notice of the stay or set the matter for hearing. At the time of hearing, the Court may either stay the action or dismiss the action without prejudice, reserving jurisdiction to reinstate the case *nunc pro tunc* when the stay is no longer in effect. If the Court causes a stay of proceeding without setting the matter for hearing, any party who claims to be exempt from the stay and who seeks to prosecute the action further shall object by noticed motion in the stayed action.

(b) Upon the expiration of the stay period, an action may be dismissed unless good cause has previously been shown, in writing, to the contrary. The stay may be extended for additional periods for good cause shown.

[Adopted July 1, 2007, Rule 3.6 renumbered effective January 1, 2009]

Rule 3.1.7 Conditional Settlements

Upon conditional settlement of a case, the parties are required to submit to the clerk a settlement agreement entitled “Conditional Settlement and Dismissal”, which shall include a stipulation for the immediate dismissal of the action without prejudice, reserving the Court’s power to set aside the dismissal and order entry of judgment upon a showing of default in the specified terms of the agreement. The Court reserves jurisdiction to enter a dismissal with prejudice following the entry of a dismissal without prejudice upon request by the appropriate party.

[Adopted July 1, 2007, Rule 3.7 renumbered effective January 1, 2009]

Rule 3.1.8 Jury Instructions

On the scheduled trial date, the parties shall submit the full text of proposed jury instructions to the Court.

[Adopted July 1, 2007, Rule 3.8 renumbered effective January 1, 2009]

Rule 3.1.9 Juror Questionnaires

If the parties wish to use juror questionnaires, the questionnaires must be submitted to the Court for review two (2) court days prior to the trial.

[Adopted July 1, 2007, Rule 3.9 renumbered effective January 1, 2009]

Rule 3.1.10 Motions in Limine

All written *in limine* motions must be submitted to the Court at least five (5) court days before the trial date. The following motions will be automatically granted and need not be put in writing: (1) motions to exclude evidence of a collateral source, (2) motions to exclude evidence of offers to settle and/or settlement discussions.

Any written opposition to a motion *in limine* must be submitted to the Court no later than two (2) courts days before the trial date.

[Adopted July 1, 2007, Rule 3.10 renumbered effective January 1, 2009]

Rule 3.1.11 Taking Trial Off Calendar

If the plaintiff decides to take a trial off calendar, the remaining parties need to be contacted in person or telephonically as soon as possible after the determination is made. Trials may be taken off calendar only if: (1) all unserved parties not participating in settlement will be dismissed; and (2) all parties agree the case has been settled in its entirety. If one or more of the above

conditions is not met, the trial will not go off calendar without an order of the Court.

[Adopted July 1, 2007, Rule 3.11 renumbered effective January 1, 2009]

Rule 3.1.12 Post Trial

In matters tried by a Court without a jury, the prevailing party (or the party designated by the Court) shall file the judgment with the Court within thirty (30) days after the Court awards judgment.

[Adopted July 1, 2007, Rule 3.2 renumbered effective January 1, 2009]

Rule 3.1.13 Stay of Execution Pending New Trial Motion

Only the trial judge may order an *ex parte* stay of execution pending the determination of a motion for new trial. If the trial judge is not available, the application shall be made to the presiding judge.

[Adopted January 1, 2007, Rule 3.13 renumbered effective January 1, 2009]

Rule 3.1.14 Judgment Pursuant to Stipulation

All *ex parte* applications for judgment pursuant to stipulation shall state the type of case, date of filing of original complaint, and whether the proposed judgment is fully dispositive of the case.

[Adopted January 1, 2007, Rule 3.14 renumbered effective January 1, 2009]

Rule 3.1.15 Court Reporters

Attorneys in civil matters hiring their own court reporters shall provide the name, address, telephone number and Certified Shorthand Reporter (CSR) number of the court reporter to the courtroom clerk prior to the commencement of the proceeding. Attorneys must ensure that the contracted court reporter is in good standing with the CSR certification board and all trial and

appellate courts. The clerk shall note the court reporter's identifying information in the minutes.

[Adopted July 1, 2007, Rule 3.15 renumbered effective January 1, 2009]

Rule 3.1.16 Fee Waivers

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code section 68511.3(a)(6)(A) and 68511(a)(6)(b).

[Adopted effective January 1, 2009]

Rule 3.1.17 Fee Waivers From Inmates

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code section 68511.3(e).

[Adopted effective July 1, 2009]

Division 2 **Law and Motion**

Rule 3.2.0 Scheduling Hearings and Tentative Rulings

- (a) Civil law and motion matters are heard Monday through Friday at 8:30 a.m. at the El Centro Courthouse in the civil department to which a case has been assigned, unless otherwise directed by the Court. The moving party shall set the date of hearing by specifying the date, time, and department in the notice of motion, in accordance with law. The Court may reschedule such matters to accommodate workload, if necessary.

- (b) Any civil department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judge. The tentative ruling may specify the issues on which the Court wishes the parties to provide further argument. If a tentative ruling is issued the day before the date set for hearing, no notice of intent to appear is required to appear for argument, and the tentative ruling may be obtained from the Court's website. The tentative ruling may also be posted on a calendar note on the day of the hearing, or announced by the Court at the time of oral argument.

[Adopted July 1, 2007, amended effective July 1, 2008]

Rule 3.2.1 Orders Shortening Time

An applicant must file all moving papers and pay appropriate fees at the time of making a request for an order shortening time. All orders shortening time shall contain a complete briefing schedule, including the date and time for filing the moving papers, the opposition, the reply and proofs of service, as well as the time and manner of service of all motion papers.

[Adopted July 1, 2007, Rule 3.17 renumbered effective January 1, 2009]

Rule 3.2.2 Failure to File Proof of Service of Notice of Motion

Except for petitions to enjoin harassment and orders to examine judgment debtors, if a party fails to timely file a required proof of service in accordance with CRC 3.1300(c), a matter will be ordered off calendar unless opposition papers contesting the merits of the motion have already been timely filed.

[Adopted July 1, 2007, Rule 3.18 renumbered effective January 1, 2009]

Rule 3.2.3 Taking Motions Off Calendar

- (a) Failure of a moving party to notify the Court at least five (5) court days before a scheduled hearing date that a matter will not be heard on the scheduled date, may be deemed by the Court to be a violation of an order of the Court, punishable by monetary sanctions payable to the Court under Section 177.5 of the Code of Civil Procedure, as well as any other sanctions provided by law.
- (b) With regard to motions to compel discovery responses, parties shall notify the court within twenty-four (24) hours of receipt of responses that make the motion moot. Failure to do so may constitute a waiver of sanctions sought in conjunction with the motion to compel.
- (c) If an amended pleading is properly filed and makes a demurrer, motion to strike, or motion for judgment on the pleadings moot, the demurring or moving party shall so notify the Court within twenty-four (24) hours of receipt of an amended pleading. Failure to do so may constitute a waiver of any right to seek sanctions.

[Adopted July 1, 2007, Rule 3.19 renumbered effective January 1, 2009]

Rule 3.2.4 Separate Motion Requirement

- (a) Every motion must be filed separately, except as stated herein. A motion for summary judgment may be filed with a motion for summary adjudication. Discovery motions to compel when there has been no response to the discovery request may be combined if they involve the same legal and factual issues. Requests for sanctions and stays are not considered “separate” motions when they are ancillary to another

motion, except as otherwise required by statute. A request for dismissal is not considered a separate motion when combined with a motion for good faith settlement. However, all such “combined” motions are subject to the length restrictions imposed by the CRC 3.1113 for single motions.

[Adopted July 1, 2007, Rule 3.20 renumbered effective January 1, 2009]

Rule 3.2.5 Joinders

- (a) For purposes of this section, a joinder is defined as a pleading by a party requesting to be included in relief granted or denied by the Court on a motion in which the party is not the original moving or responding party. A joinder may not include separate points and authorities or evidence, but will be deemed to incorporate the arguments and evidence submitted in connection with the motion, opposition, or reply to which the joinder relates. A joinder in a motion, opposition, or reply must be filed and personally served within two calendar days after service of papers to which the joinder relates.
- (b) A joinder should include only a brief statement of the basis for the joinder. If additional materials are necessary for the Court to grant the requested relief in favor of the party seeking to join in the motion or opposition, a separate motion, opposition, or reply must be filed.
- (c) A joinder in a motion does not relieve a party of its individual burden to establish separate entitlement to the relief requested, nor does it entitle the joining party to file a reply separate from that filed by the moving party, but the joining party may join in the reply.

- (d) The proper response to an improper joinder shall be by objection.

[Adopted July 1, 2007, Rule 3.21 renumbered effective January 1, 2009]

Rule 3.2.6 Evidentiary Objections

- (a) A party seeking to object to evidence offered in support of or in opposition to any motion shall either submit objections in writing or shall object on the record at the hearing prior to submission of the matter for decision. Any written objection shall be contained in a separate document, shall state the page and line number of the document to which objection is made, and state the grounds of the objection, in the same manner as a motion to strike evidence made at trial. Such written objections shall be filed and personally served no later than the close of business three (3) court days before the hearing.
- (b) Opposition and/or reply papers to separate motions may not be combined.

[Adopted July 1, 2007, Rule 3.22 renumbered effective January 1, 2009]

Rule 3.2.7 Particular Motions

- (a) In any case, where a bond or undertaking may be considered or is requested, a declaration must be submitted setting forth facts from which the Court may determine the appropriate amount of bond or undertaking. Failure to timely file such a declaration may result in a denial of the relief being sought.
- (b) Consolidation Motions: Consolidation motions shall be noticed for hearing in the department in which the earliest filed case is pending, absent a court order to the

contrary. Whenever an order for consolidation of cases for all purposes is made, the Court shall designate one of the consolidated cases the master file. All later filed papers shall thereafter be placed in the master file, and all hearing dates will be noticed under the master file number. At the time of the order for consolidation, any hearing date, in any case other than the master file case, are vacated. The order for consolidation shall, on a separate page, list all case numbers, associated parties, and their counsel, if any. If more than two cases are consolidated and the master file is settled or dismissed, the consolidated cases will be noticed or dismissed in forty-five (45) days, unless the parties appear ex parte before the Court to reactivate the consolidated cases and designates a new master file.

- (c) Motions Requiring Separate Statements: The following motions shall include a separate statement identifying the elements of the various causes of action set forth in the complaint and setting forth evidence in support of each element:

- (1) Claim for Punitive damages against health care provider (Section 425.13 of the Code of Civil Procedure);
- (2) Claim against religious corporation for punitive damages (Code of Civil Procedure Section 425.14);
- (3) Claim against volunteer director or officer of nonprofit corporation (Section 425.14 of the Code of the Civil Procedure);

- (4) Opposing motions to strike in SLAPP suits (Section 425.16 of the Code of Civil Procedure);
 - (5) Protective orders (Section 3295 of the Civil Code) (prima facie evidence of liability for punitive damages). The separate statement shall be in the form set forth in the CRC 3.1350.
- (d) Motions to Amend Pleadings or File Cross-Complaint: When filing a motion to amend a pleading or for leave to file a cross-complaint, the original signed proposed pleading shall be lodged with the Court when the moving papers are filed. If leave is granted, the proposed pleading will be filed by the Court and deemed served on all appearing parties as of the date of the ruling. All defaulted parties must be served with the amended pleading.
- (e) Motions to Quash Service: If a party wishes to proceed against a defendant who prevailed on a motion to quash service on grounds of procedural defects in the manner of service (rather than jurisdictional defects), the party shall re-serve that defendant within fifteen (15) days of the Court's order, unless otherwise ordered. Failure to comply with this rule may result in dismissal of the new party, as well as imposition of sanctions as permitted by law.
- (f) Requests for Sanctions: When monetary sanctions are sought, a declaration must be submitted setting forth the nature of the attorney work performed, the amount of attorney time expended, and the sum deemed to be a reasonable hourly rate for the serviced performed.

- (g) Good Faith Settlement Motions: The following language should be utilized in any formal order granting a good faith settlement motion: "The [unopposed] motion for good faith settlement [and dismissal] filed by [name of party] is granted pursuant to Section 877.6 of the Code of Civil Procedure. This determination bars any other joint tortfeasor or co-obligor from any further claims against the settling parties for equitable comparative contribution or partial or comparative indemnity based on comparative negligence or comparative fault."

If a concurrent motion for dismissal has been properly noticed, the following should be added to the order:

"All cross-complaints for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault against the settling tortfeasor or co-obligator are hereby dismissed."

[Adopted July 1, 2007, Rule 3.27 renumbered effective January 1, 2009]

Rule 3.2.8 Opposing and Reply Papers

- (a) A party who has not timely filed and served written opposition to a motion, demurrer, or petition may not present oral argument at the hearing, unless authorized by the Court. Failure to serve and file a written opposition may be deemed a waiver of any objection and an admission that the motion, demurrer, or petition is meritorious.
- (b) When a proof of service has not been executed by the time of opposing or reply papers are filed, the executed proof of service shall be filed within three (3) days after service has been completed except that a proof of

personal service of reply papers may be brought to the hearing and filed at that time.

[Adopted July 1, 2007, Rule 3.28 renumbered effective January 1, 2009]

Rule 3.2.9 Conduct of Hearing

Parties may submit matters without being personally present at a hearing only if they notify opposing counsel and the clerk prior to the date and time set for such matters. Failure to do so shall be deemed cause for ordering such matters off calendar or for ruling in the absence of the parties.

[Adopted effective July 1, 2007, Rule 3.25 renumbered effective January 1, 2009]

Rule 3.2.10 Orders After Hearing

Orders after hearing shall refer to all matters covered by the Court, shall affirmatively state the result or relief, and shall specify if the ruling disposes of the entire case as to all parties. The introductory paragraph shall include the subject of the motion, demurrer, or petition, the date, time, department number, judge's name, and names of the parties and attorneys who appeared. The order shall set forth all relief granted, including the Court's stated reasons as well as the statutory grounds for the ruling, and shall not require reference to other documents.

[Adopted July 1, 2007, Rule 3.26 renumbered effective January 1, 2009]

Division 3 **Ex Parte Relief**

Rule 3.3.0 Policy

It is the policy of the Court to discourage unnecessary ex parte orders which may

affect substantial rights of the parties. Ex Parte relief should be reserved for unavoidable emergency matters only. Therefore, whenever reasonable or practical, litigants are encouraged to use orders to show cause or noticed motions for contested hearings on the merits.

[Adopted July 1, 2007, Rule 3.27 renumbered effective January 1, 2009, amended effective January 1, 2009]

Rule 3.3.1 Filing Fees, Case Number, and Hearing Date

Filing fees must be paid, or an application of fee waiver must be granted, before an application for ex parte relief will be heard. All documents in support of an ex parte application must be filed twenty-four (24) hours prior to the time for hearing.

[Adopted July 1, 2007, Rule 3.28 renumbered effective January 1, 2009]

Rule 3.3.2 Scheduling of Ex Parte Hearings

A request for ex parte relief in a civil case assigned to a judge for all purposes will be heard by the judge so assigned, and shall be scheduled by contacting the Calendar Coordinator at least twenty-four (24) hours in advance. All other ex parte matters will be heard in the manner and at times ordered by the presiding judge.

[Adopted July 1, 2007, Rule 3.29 renumbered effective January 1, 2009]

Rule 3.3.3 Ex Parte Orders

Any order, judgment, or decree made by a judge ex parte must be in writing, signed by the judge, and filed and served within two (2) days thereafter or it may be voidable.

[Adopted effective July 1, 2007, Rule 3.30 renumbered effective January 1, 2009]

Division 4

Extraordinary Writs

Rule 3.4.0 Procedure

- (a) In seeking traditional mandate, administrative mandamus, or prohibition relief, it is not necessary to obtain an alternative writ. A noticed motion procedure in compliance with Code of Civil Procedure § 1005 should be used whenever possible, and must be used if no alternative writ is sought, or where application for the alternative writ is denied by the court.
- (b) Where an alternative writ is sought in the first instance, the petition must be filed, fees paid and a judge assigned. Petitioner shall then proceed in the manner required for ex parte relief generally.

[Adopted July 1, 2007, Rule 3.31 renumbered effective January 1, 2009]

Rule 3.4.1 Assignment

- (a) Extraordinary civil writs and ex parte applications in connection therewith will be assigned in accordance with the direct calendaring system established by these rules, except as hereinafter indicated.
- (b) Petitions for writs of habeas corpus or mandamus by inmates, directed at county jail or state prison officials, will be assigned to the Supervising Criminal Judge (SCJ).
- (c) Where an application for extraordinary relief challenges a decision made by a judge to whom a case has been earlier assigned, the matter shall be assigned in

accordance with the rules for the appellate division.

[Adopted July 1, 2007, Rule 3.32 renumbered effective January 1, 2009]

Division 5

Arbitration

Rule 3.5.0 Cases Subject to Arbitration

- (a) All non-exempt unlimited civil cases where the amount in controversy does not exceed \$50,000 as to any plaintiff, and all limited civil cases, shall be submitted to arbitration under CCP 1141.10 et seq.
- (b) The determination as to whether to submit a case to arbitration shall occur at the case management conference.

[Adopted July 1, 2007, Rule 3.33 renumbered effective January 1, 2009]

Rule 3.5.1 Arbitration Administrator

The arbitration administrator is the CEO or their designee.

[Adopted effective July 1, 2007, Rule 3.34 renumbered effective January 1, 2009, amended January 1, 2010]

Rule 3.5.2 Exemptions to Arbitration

Pursuant to CRC 3.811(b), the following categories of cases are exempt from judicial arbitration:

- (a) Limited civil cases in which no jury trial is demanded and the estimated time for trial is one day or less;
- (b) Collection actions (i.e., cases primarily seeking money on an assigned claim).

[Adopted July 1, 2007, Rule 3.35 renumbered effective January 1, 2009]

Rule 3.5.3 Arbitration Statement and Evidence

At the time of the arbitration hearing, or at any other time designated by the arbitrator, each party or attorney shall, unless excused by the arbitrator, submit the following:

- (a) Copies of any offered pleading, arranged chronologically, and appropriately highlighted;
- (b) An arbitration brief consisting of:
 - (1) A concise statement of facts;
 - (2) Legal and factual contentions of each party;
 - (3) A statement of damages sought to be awarded including the amount claimed, medical expense, and property damage;

[Adopted effective July 1, 2007, Rule 3.36 renumbered effective January 1, 2009, amended January 1, 2010]

Rule 3.5.4 Settlement Conference

If a party makes a timely request for a trial following an arbitration award, a settlement conference will be scheduled. If a case does not settle at the settlement conference, the case may be ordered to trial on the next available date.

[Adopted July 1, 2007, Rule 3.37 renumbered effective January 1, 2009]

Rule 3.5.5 Withdrawal of Request for Trial Following Arbitration Award

If a party has requested a trial following an arbitration award, the request may be withdrawn by a written stipulation and the award entered as a judgment. If a party requesting a trial after arbitration award files a request for dismissal, such request for dismissal shall be deemed a withdrawal of the request for trial, and the clerk shall enter judgment on the arbitration award forthwith,

unless all parties have consented to the request for dismissal.

[Adopted July 1, 2007, Rule 3.38 renumbered effective January 1, 2009]

Rule 3.5.6 Arbitrator's Fees

Arbitrators shall be paid \$150 per case unless the Supervising Civil Judge authorizes a higher fee.

[Adopted July 1, 2007, Rule 3.39 renumbered effective January 1, 2009]

Division 6
[RESERVED]

Rule 3.6.0 Repealed

[Previously adopted effective July 1, 2009; renumbered effective January 1, 2009; Rule 3.6.0 repealed effective January 1, 2010]

Rule 3.6.1 Repealed

[Previously adopted effective July 1, 2009; renumbered effective January 1, 2009; Rule 3.6.1 repealed effective January 1, 2010]

Rule 3.6.2 Repealed

[Previously adopted effective July 1; renumbered effective January 1, 2009; Rule 3.6.2 repealed effective January 1, 2010]

Rule 3.6.3 Repealed

[Previously adopted effective July 1, 2009; renumbered effective January 1, 2009; Rule 3.6.3 repealed effective January 1, 2010]

Rule 3.6.4 Repealed

[Previously adopted effective July 1, 2009; renumbered effective January 1, 2009; Rule 3.6.4 repealed effective January 1, 2010]

Rule 3.6.5 Repealed

[Previously adopted effective July 1, 2009; renumbered effective January 1, 2009; Rule 3.6.5 repealed effective January 1, 2010]

Division 7

Special Case Categories

<u>Rule</u>	<u>3.7.0</u>	<u>Judgment</u>	<u>Debtor</u>
<u>Examinations</u>			

- (a) **Proof of Service:** Proof of service of the Order to Appear for Examination must be filed no later than five (5) calendar days before the date of the hearing. However, if the proof of service is not filed five (5) calendar days before the hearing, but the person ordered to appear does appear and is ready to proceed, the Court has discretion to order the examination be conducted.

- (b) **Appearance at Examination:** Upon the call of the calendar, if the parties appear, the examination must proceed at once, unless a continuance is ordered by the Court. If the person ordered to appear does appear and the moving party fails to appear, the proceedings may, at the discretion of the Court, be continued to another day or be dismissed.

- (c) **Nonappearance of Party to be Examined:** If the party to be examined fails to appear at the time and place set for examination, a bench warrant may be issued requiring attendance forthwith, provided the moving party complies with subdivision “(d)” of this rule within thirty (30) days after the examination date.

- (d) **Bench Warrants of Attachment:** If a judgment debtor fails to appear for hearing as ordered, the judgment creditor may request issuance of a bench warrant of attachment. The judgment creditor must file with the clerk the following items before the

bench warrant of attachment shall issue:

- (1) Sheriff’s instructions, fully completed, stating the location where the defendant may be served (forms available in Sheriff’s office, original only required);

- (2) Check made payable to the “Sheriff of Imperial County” for service fees; and

- (3) A bench warrant of attachment form.

The above documents shall be filed within thirty (30) days of the order directing or granting the issuance of the bench warrant of attachment.

- (e) **Continuances:** One or more continuances of a judgment debtor examination may be allowed upon stipulation of all parties or their attorneys, joined in by the person or entity ordered to appear, if approved by the Court upon good cause shown.

[Adopted July 1, 2007, Rule 3.46 renumbered effective January 1, 2009]

Rule 3.7.1 Unlawful Detainer Proceedings

- (a) **Judgment for Money Damages after Judgment for Possession of the Premises:** When the plaintiff obtains a default judgment for possession of the premises, the case may be calendared for further hearing. In the alternative, a plaintiff may file a dismissal without prejudice as to the money damages, attorney fees and costs.

- (b) **Redesignation of Case Where Possession is No Longer In Issue:** The Plaintiff shall immediately

notify the Court when possession is no longer in issue and request the matter be designated as a general civil matter.

[Adopted July 1, 2007, Rule 3.47 renumbered effective January 1, 2009]

Rule 3.7.2 Uninsured/Underinsured Motorist Actions

- (a) If a complaint includes an uninsured/underinsured motorist claim as defined under Section 68609.5 of the Government Code and Section 11580.2 of the Insurance Code, Plaintiff shall file a declaration stating the case is an uninsured/underinsured motorist case, the name of insurance carrier, and amount of coverage. The Court will suspend the time requirements and the action shall be stayed for a period of one hundred eighty (180) days.
- (b) A party who claims to be exempt from the stay and who desires to further prosecute the action shall object by noticed motion in the stayed action. Upon the expiration of the one hundred eighty (180) day stay period, the action shall be dismissed unless, upon noticed motion, good cause is shown to the contrary. If such motion is granted, the stay may be extended, but such an extension shall not exceed one hundred eighty (180) days.

[Adopted July 1, 2007, Rule 3.48 renumbered effective January 1, 2009]

Rule 3.7.3 Minors, Incompetents, Conservatees

- (a) Guardians Ad Litem: Due to potential conflicts of interest, parents asserting individual claims or defenses on their own behalf shall

not serve as guardians ad litem for their minor children absent a Court order to the contrary.

- (b) Petition to Compromise: The person compromising the claim on behalf of a minor and the minor must be in attendance at the hearing, unless the Court orders otherwise.
- (c) Attorney's Fees: Attorney's fees shall not exceed twenty-five percent (25%) of the gross settlement. Attorney's fees are not payable until the minor's funds have been deposited in accordance with the Court's order.
- (d) Blocked Account: If the order approving the petition for compromise includes a provision that the settlement proceeds will be placed in a blocked account, an order to deposit money will be made at the same time to an account specified.

[Adopted July 1, 2007, Rule 3.49 renumbered effective January 1, 2009]

Rule 3.7.4 Class Action Rules

- (a) Class Certification Conference: If the Court grants a motion for class certification, the Court will schedule a class certification conference within thirty (30) days to review the proposed notice to class members and will send notice of the same to all parties who have appeared in the case.
- (b) Proposed Notice to Class: Three (3) court days prior to the class certification conference, the prevailing party in a motion for class certification shall file with the Court and serve personally or by fax on the other appearing parties a proposed notice to the class of pendency of a class action, and a statement

containing the following information:

- (1) The time when and manner in which notice should be given;
- (2) Any reasons why other parties should bear a portion of the cost and;
- (3) An estimate of the cost involved in giving notice.

The proposed notice shall contain:

- (i) A brief explanation of the case, including basic contentions or denials of the parties;
- (ii) A statement that any member of the class who so requests by a specified date may “opt out”(be excluded from the class) of the action by giving notice;
- (iii) Information concerning how a class member who desires to “opt out” may give notice;
- (iv) A statement that the claims of a member who does not “opt out” will be terminated by the judgment in the action under the doctrine of res judicata; and
- (v) A statement any member who does not “opt out” may seek leave of Court to

appear as a named class co-representative, upon good cause shown on noticed motion.

- (c) Dispensing with Notice: The Court has discretion to dispense with the notice requirement upon a proper showing, such as where only injunctive relief is sought.
- (d) Progress Conferences: Within ninety (90) days after the initial case management conference, the Court may, upon motion of any party, schedule a progress conference to discuss class issues, establish precedence of discovery, schedule hearings, review status of settlement discussions and/or discuss pretrial determination of class issues and other initial case management conference issues.
- (e) Attendance of Counsel: Counsel completely familiar with the case and possessing authority to enter into stipulations shall be present and fully prepared to discuss the issues outlined above. If counsel is not fully prepared, the Court may continue the hearing and impose sanctions against the offending attorney. If the hearing proceeds as scheduled, the orders made will not be subject to reconsideration due to counsel’s unfamiliarity with the case at the time of the hearing. At the conclusion of the conference, the Court shall make an order which embraces the stipulations, if any, of the parties. Additional progress conferences will be scheduled at the Court’s discretion.

[Adopted July 1, 2007, Rule 3.50 renumbered effective January 1, 2009]

Division 8

Miscellaneous Provisions

Rule 3.8.0 Procedure Upon Death of Plaintiff

Within ten (10) calendar days of receiving notice of the death of a plaintiff, counsel for the plaintiff shall file with the Court and serve upon all other parties in the action, a Notice of Death of the Plaintiff. Upon receipt of the notice, the Court shall suspend future consideration of the case for ninety (90) calendar days. The case shall be placed on a dismissal calendar to be heard ninety (90) days after the notice is filed unless:

- (a) The original case is consolidated with a new wrongful death action;
- (b) Good cause is shown upon written noticed motion to extend the time for dismissal; or
- (c) Plaintiff's counsel moves to have the original action restored to active status.

[Adopted July 1, 2007, Rule 3.51 renumbered effective January 1, 2009]

Rule 3.8.1 Receivers

- (a) A proposed order appointing a receiver shall set forth the powers of the receiver and shall designate as precisely as possible the real and personal property subject to receivership and specify the rate of compensation of the receiver.
- (b) Employment of counsel by the receiver requires Court approval. An application for employment of counsel must set forth the attorney's hourly rate and a good faith estimate of the number of hours the attorney will expend on behalf of the receivership estate.

(c) Employment of a property manager requires Court approval. An application for employment of a property manager must set forth the property manager's rate of compensation and a good faith estimate of the number of hours the property manager will expend on behalf of the receivership estate.

(d) If the proposed property management company is affiliated with the receiver, full disclosure of the affiliation must be made to the parties and the Court.

(e) Any money collected by the receiver and not expended pursuant to the receiver's duties must be held in the receivership estate until Court approval of the receiver's final report and discharge of the receiver, unless otherwise ordered by the Court.

(f) Accountings filed in receivership proceedings shall set forth the beginning and ending dates of the accounting period and contain a summary of income, expenses, and capital outlays on a month-by-month basis. Receiver's fees and administrative expenses, including fees and costs of property managers, accountants, and/or attorneys previously authorized by the Court shall be included in the summary, but separately stated. The summary shall be supported by appropriate itemized schedules and evidentiary foundations.

[Adopted July 1, 2007, Rule 3.52 renumbered effective January 1, 2009]

Rule 3.8.2 Confidentiality Agreements, Protective Orders, Sealed Documents

- (a) It is the policy of the Court that confidentiality agreements and protective orders are disfavored and

should be recognized and approved by the Court only when there is a genuine trade secret or privilege to be protected. Such agreements will not be recognized or approved by the Court absent a particularized showing (document by document) that secrecy is in the public interest, that the proponent has a cognizable interest in the material (e.g., the material contains trade secrets, privileged information, or is otherwise protected by law from disclosure), and that disclosure would cause serious harm.

- (b) Sealed records may be viewed only by parties and their attorneys of record, unless the order sealing the records states otherwise. Sealed records may not be copied by persons authorized to view them, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.53 renumbered effective January 1, 2009]

Rule 3.8.3 Daily Transcript of Proceedings

A party in a civil action may request a daily transcript of the proceedings. The Court may grant the request if such will not disrupt the regular assignment of court reporters. If the request is granted, the requesting party shall deposit with the clerk of the court each day a sum equal to the daily cost of the salary and benefits for court reporters in this county under existing law, to compensate the requisite additional reporter.

Current information regarding such cost is available in the office of the CEO.

[Adopted July 1, 2007, Rule 3.54 renumbered effective January 1, 2009]

Rule 3.8.4 Depositions

Any deposition returned to court may be opened by the clerk at the request of either party, and the clerk shall note thereon at whose request it was opened, and file the deposition on the day it was received by the clerk.

[Adopted July 1, 2007, Rule 3.55 renumbered effective January 1, 2009]

Rule 3.8.5 Bankruptcy

All parties to an action must promptly notify the Court in writing if during the litigation they become debtors in bankruptcy or if, to their knowledge, other parties to the litigation become debtors in bankruptcy.

[Adopted July 1, 2007, Rule 3.56 renumbered effective January 1, 2009]

Rule 3.8.6 Telephone Appearances

- (a) Pursuant to California Rule of Court 3.670, the Court has contracted with CourtCall LLC, a private telephonic appearance provider. The telephone number for CourtCall LLC is (888) 88-COURT [(888) 882-6878].
- (b) The CourtCall Telephonic Appearance Program (CourtCall) utilizes a procedure for telephone appearances by attorneys and parties representing themselves as an alternative to personal appearances. A CourtCall appearance is fully voluntary and available at a fixed fee for use only in all civil cases as defined by California Rule of Court 1.6.
- (c) Hearings are conducted in open court. All persons making a CourtCall appearance call a designated toll free tele-conferencing number five (5) minutes before the calendared time of the hearing to

check in with CourtCall. Attorneys or parties remain on the Court's speakerphone-telephone line and hear the same business that those present in the Court hear. Persons not participating telephonically appear in person. All present in the courtroom hear the discourse of those making CourtCall appearances.

(d) CourtCall appearances are scheduled, in writing, in advance, by serving all parties and delivering (by fax, mail, or personal delivery) to CourtCall, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance. It is the responsibility of counsel or the party to obtain, from CourtCall, required forms and payment information.

(e) Except as otherwise stated below, parties have the option of appearing by telephone in case management proceedings, civil law and motion hearings and probate proceedings

(1) where the total time required for hearing of the matter will not exceed ten (10) minutes,

(2) where counsel has fully briefed all issues in writing and wishes only to be available to respond to questions from the Court or argument of opposing counsel, and

(3) where all documents and exhibits have been filed with the pleadings of the parties and no further documentation will be offered.

(f) The Court reserves the authority, at any time, to require a personal

appearance at any hearing or conference for which the Court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. When the Court denies a request for telephone appearance, it shall order a refund of deposited telephone appearance fees and notify CourtCall.

(g) The Court reserves authority to halt a telephonic hearing on any matter and order the parties or attorneys to personally appear at a later date and time, in which case no refund is permitted.

(h) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

(i) Attorneys or parties choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.

[Adopted July 1, 2007, amended effective July 1, 2009, Rule 3.57 renumbered effective January 1, 2009]

Rule 3.8.7 Default Attorney Fee Schedule

(a) Whenever the obligation sued upon provides for the recovery of a reasonable attorney fee, the fee in each default case may be fixed pursuant to the following schedule:

25% of the first \$1,000 (minimum fee of \$150)
 20% of the next \$4,000
 15% of the next \$5,000
 10% of the next \$10,000
 5% of the next \$30,000
 2% of the amount over \$50,000

(b) In any case where an attorney claims he or she is entitled to a fee in excess

of any of the above amounts, the attorney may apply to the Court therefore and present proof to support the claim. The Court shall determine a reasonable fee according to proof.

[Adopted July 1, 2007, Rule 3.58 renumbered effective January 1, 2009]

Division 9 **Small Claims**

Rule 3.9.0 Hearing Officer

An appointed commissioner, referee or temporary judge shall hear and adjudicate small claims cases at any designated court location within Imperial County.

[Adopted July 1, 2007, Rule 3.59 renumbered effective January 1, 2009]

Rule 3.9.1 Appeals

Small claims appeals must be filed at the court in which the small claims matter was heard.

[Adopted July 1, 2007, Rule 3.60 renumbered effective January 1, 2009]

Rule 3.9.2 Calendaring Appeals

The Superior Court Appellate Division will assign a case number to all appeals, and assign the case for trial de novo on a rotational basis to one of the civil judges, in the same manner civil cases are assigned.

[Adopted July 1, 2007, Rule 3.61 renumbered effective January 1, 2009]

Chapter 4

Criminal Rules

Rule 4.0 Filing Locations; Calendaring

- (a) Out of custody misdemeanor complaints are filed in the venue referred to in Rule 2.7 except that criminal misdemeanor matters arising in the Winterhaven venue are filed in the Calexico Court.
- (b) In custody misdemeanor complaints are filed in the Jail Department.
- (c) Felony complaints are filed at the Jail Department, where defendants are then arraigned, and where pre-trials and preliminary hearings are held. When scheduling difficulties preclude a preliminary hearing from being heard at the Jail Department, the preliminary hearing may be assigned to be heard at the courtroom of another criminal team member. The Supervising Criminal Division Judge (“SCJ”) may direct such an assignment.
- (d) Where a defendant charged with one or more felonies is held to answer following preliminary hearing (or where a preliminary hearing is waived), an information must be filed with the Criminal Department of the Court Clerk’s Office at the El Centro Courthouse, as required by law, unless the district attorney elects to deem the complaint as the information after the held to answer order of the Court, at which time the defendant will be arraigned on the information.
- (e) In other cases, defendants charged by information with one or more felonies are arraigned in the master calendar department by the SCJ or

any other judge who may be assigned to that department. The SCJ (or other judge assigned) thereafter hears and determines felony pretrial motions, presides over readiness conferences, and, where not inconsistent with law, assists in the disposition of cases without trial. At readiness conferences, the SCJ assigns cases for trial to judges on the criminal team.

- (f) The Clerk of the Criminal Department calendars felony arraignments and all other post-preliminary hearing pre-trials and hearings in the master calendar department. When a case is assigned for trial from the master calendar, the courtroom clerk transfers the file to assigned department and advises Jury Commissioner staff of the assignment.
- (g) Grand Jury indictments are received in the Court where the grand jury is seated, and are filed in El Centro where they are set for arraignment on the indictment.
- (h) Juvenile infractions cited in Imperial County are filed in the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (h) adopted effective January 1, 2010]

Rule 4.1 Peremptory Challenges

When a misdemeanor is assigned for trial, any peremptory challenge must be filed within ten (10) days of the notice of assignment.

[Adopted effective July 1, 2007]

Rule 4.2 Time for Filing Complaints

All criminal complaints charging in-custody defendants shall be filed at the earliest time

possible, but in no case later than 11:30 a.m. on the date set for arraignment of the defendant on those charges. All criminal complaints charging out of custody defendants shall be filed not later than five (5) court days before the time set for arraignment, providing proof of notice has been filed with the court at least two (2) court days prior to the arraignment. Upon a showing of good cause, a later time for filing may be authorized by the judge assigned to the arraignment.

[Adopted effective July 1, 2007]

Rule 4.3 Repealed

[Rule 4.3 repealed effective July 1, 2008, adopted effective July 1, 2007]

Rule 4.4 Pretrials

- (a) Negotiation of criminal cases at the earliest practicable stage of the proceedings furthers a significant social policy and is to be encouraged. Counsels are strongly encouraged to meet and confer informally in an attempt to resolve cases at the earliest convenient time. The Court may decline to meet in any pretrial conference with parties who have not attempted a resolution beforehand.
- (b) To facilitate the expedited trial program time standards, counsel must either have his or her client (1) present or (2) readily available or (3) possess full authority to negotiate any disposition within the parameters of statutory possibility. When the interests of justice so dictate, the Court may order the personal presence of the defendant.
- (c) The first felony pretrial conference with the Court shall occur prior to the preliminary hearing. The prosecutor shall deliver to defense

counsel (or to a defendant proceeding in pro per) a formal offer for resolution prior to or at the felony pretrial. Defense counsel shall meet with his/her client before said conference and be prepared to discuss the offer or other possible disposition with the Court. All counsel shall appear at the felony pretrial with the objective of disposing of the case.

- (d) Early resolution will be best promoted if parties comply with the discovery statutes as soon as possible following the entry of the initial plea in the case. Pursuant to informal discovery request, the prosecutor shall disclose to the defense all police reports in his/her possession containing the information described in Penal Code Section 1054.1.
- (e) After a defendant is held to answer or an indictment is filed, early disposition shall again be attempted following compliance by all parties with discovery rules.

[Adopted effective July 1, 2007]

Rule 4.5 Evidence at Pretrial Motions

In motions involving an evidentiary hearing, the moving party must specify on the first page of his/her notice of motion that an evidentiary hearing is requested and the estimate of time needed. Failure to comply with this rule may result in a denial of the right to present live testimony.

[Adopted effective July 1, 2007]

Rule 4.6 Motions to Suppress

- (a) Where a moving party on a motion under Penal Code §§ 995 or 1538.5 intends to rely upon testimony in a transcript of prior proceedings, reference to such testimony

identified as to page and line number in the transcript shall be included;

- (b) At the preliminary examination, the magistrate may grant the defendant a continuance for the purpose of filing and serving the motion upon the People, upon a showing that the defendant or his or her counsel was not aware of the evidence or was not aware of the grounds for suppression before the preliminary examination.

[Adopted effective July 1, 2007]

Rule 4.7 Continuance Policy

- (a) It is the policy of the Court that all criminal proceedings be set for trial at the earliest possible time. Consistent with said policy continuances will generally not be granted, absent good cause.
- (b) If the need for such a continuance is caused by an act or omission of counsel for either party, sanctions may be imposed.

[Adopted effective July 1, 2007]

Rule 4.8 Bail/Fine

- (a) The uniform countywide schedule of bail for all bailable felony offenses is adopted annually and is posted on the Court's website.
- (b) Any application pursuant to Penal Code §1269c for an order setting bail in an amount greater or less than the amount specified by the bail schedule shall be made on local form "Request for Increase/Decrease in Bail" (Form CR-01). The application must be signed under penalty of perjury, and submitted to the watch commander then on duty at the Imperial County Jail, who shall

forthwith transmit it to a magistrate for review.

- (c) Any person requesting a bail reduction or increase shall disclose all other applications that have been made prior to the subject request.
- (d) If bail is set by a judge or magistrate out of court, any further out of court request for increase or reduction of bail shall be made to the judge who set such bail.
- (e) The Uniform Bail and Penalty Schedules approved by the Judicial Counsel for all misdemeanor and infraction offenses is adopted annually and is posted on the Court's website.

[Adopted effective July 1, 2007, previously amended July 1, 2008, subd (b) amended January 1, 2010]

Rule 4.9 Official Electronic Recordings in Misdemeanor Criminal Cases

- (a) Unless the trial court orders otherwise, the recording of misdemeanor trials shall be created by electronic recording of the proceedings.
- (b) A party wishing to have a misdemeanor matter recorded other than a trial shall request recording, in writing, at least two (2) court days in advance.

[Adopted effective July 1, 2007, previously amended July 1, 2008, title, subd (b) amended, subd (c) repealed January 1, 2010]

Rule 4.10 Infractions

- (a) Dismissal. Mechanical violations will be dismissed upon submission of proof of correction by a law enforcement officer and payment of required fees to the Court.

- (b) Continuance by Clerk. A clerk of this court may, upon request of a defendant or his counsel, continue the initial arraignment of a defendant, except for defendants released on bail.
- (c) Trials by Declaration are governed by Vehicle Code § 40902, and are made only on Judicial Council Form TR-205.
- (d) Pursuant to CVC § 40901, in the trial of any alleged infraction of the California Vehicle Code or any local ordinance, testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to CVC § 40500 and/or a business record or receipt that would otherwise be subject to a hearsay objection.
- (e) A party may request from the clerk, one 45-day payment extension to the pay or appear date listed at the bottom of the citation. The party must submit to the clerk the written extension request.
- (f) A party that has been approved to make payments of fine may ask the clerk for one 30 day payment extension. The request must be presented in writing. Any further delay in payment may result in the imposition of a civil assessment per PC §1214.1
- (g) A party may submit proof and complete a Request to Vacate Civil Assessment form, if a civil assessment has been imposed pursuant to PC §1214.1, and the party was incarcerated, hospitalized, overseas on active military duty, or unable to pay fine for other good cause. The clerk will present the request to a judicial officer for ruling.
- (h) Civil Assessment. Upon full payment of any fine, where civil assessment pursuant to PC §1214.1 is imposed, the court delegates the following authority to the collections clerk:
 - (1) If paid within 30 days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to \$150.00.
 - (2) If paid within 60 days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to \$200.00.
 - (3) The collections clerk has no authority to reduce the amount of the civil assessment after 60 days from the notice of imposition
- (i) Infractions. Accounts Receivable Payment Fees. A clerk of the Court, upon defendant's written request to forfeit bail & make payments, is authorized to make an accounts receivable and charge a \$35 installment fee if the fine is paid in payments (Form CR-11).
- (j) Juvenile Traffic Infractions. The provisions of Welfare and Institutions Code Section 603.5 are hereby adopted with respect to minors alleged to have committed

only a violation of the vehicle code or a violation of a local ordinance involving the driving, parking or operation of a motor vehicle.

[Adopted July 1, 2007, amended July 1, 2009, subd (e)(f)(g)(h) adopted July 1, 2009, subd (d) amended January 1, 2010, subd (i)(j) adopted effective January 1, 2011]

Rule 4.11 Misdemeanor Warrant Procedure

- (a) Warrants for the arrest of defendants who fail to appear at arraignment in misdemeanor cases will expire one (1) year from the date issued.
- (b) The expiration date of the warrant shall appear on its face.
- (c) The Court shall review each case upon expiration of the warrant, calendar the matter for hearing, and issue notice to the prosecuting agency:
 - (1) that the arrest warrant has expired, and
 - (2) that the underlying criminal action will be dismissed and prosecution of the case deemed abandoned, unless the prosecuting agency applies for, and the Court grants, a reissuance of the warrant at the noticed hearing.
- (d) This rule does not apply to bench warrants issued by the Court.

[Adopted effective July 1, 2008]

Chapter 5

Family Law

5.0 Applicability

This division applies to any proceeding under the Family Code for dissolution of marriage or domestic partnership, legal separation or nullity of marriage or actions under the Domestic Violence Prevention Act, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act, and local child support agency actions.

[Adopted, effective July 1, 2007]

Rule 5.1 Ex Parte Orders (Except Domestic Violence Protection Act Actions)

- (a) Ex parte matters are heard at 1:30 p.m. in the Family Law Department. The judicial officer has the discretion of ruling on the motion based only on the submitted pleadings. Any oral testimony will be limited in scope and time only to the specific issues raised in the applicant's motion. All ex parte matters must be set for hearing except:
 - (i) Written stipulations [Note: if the stipulation involves a continuation of the court trial or a hearing involving oral testimony, please confirm dates with family law clerk.];
 - (ii) Signature of an order or judgment after a default proceeding;

- (iii) Joint requests for advanced mediation;
- (iv) Wage and earning assignment order;
- (v) Restoration of former name after judgment; and
- (vi) Order for publication or posting.

- (b) Disclosure of Prior Orders and Status Quo. The applicant must disclose whether any prior applications have been made on the same issue and whether any orders were made with respect to such applications. THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT THE REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded.

- (c) Ex Parte Actions Disfavored. Ex Parte applications in general are strongly disfavored. Ex parte motions to change a child's vacation or school or the holiday schedule are disfavored. Requests for such changes should be presented on a regular motion calendar. A judicial officer may grant an order shortening time for such hearing.

- (d) Evidentiary Declarations. The judicial officer will only consider ex parte requests that are supported by written statements that have been signed by the declarant under penalty of perjury. Those statements must contain sufficient factual

information within the personal knowledge of the declarant, and not conclusions, feelings, or fears. The declarations must describe why the ex parte request cannot be heard on the court's regular motion calendar. Ex parte orders regarding **child custody** and **visitation** will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California.

- (e) Notice. The party seeking the order must notify all parties, or their attorney if represented, no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice. A declaration regarding notice must be filed with the court using Local Form FL-06 (A).

The contents of the notice must include the nature of the relief requested, and the date, time and place for the presentation of the application.

Notice may be waived only if the party alleges that such notification may negate the benefit of the requested relief, or frustrate the purpose of the proposed order, or that the applicant would suffer immediate and irreparable injury before the other party can oppose the motion. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible. See Local Form FL-06 (A).

- (f) Proposed Order. The application must be accompanied by a

proposed order. If the judicial officer does not sign the proposed order, it will be returned to the moving party. If the judicial officer signs the proposed order, the applicant may obtain and personally serve a conformed copy of the order upon any party, or his/her attorney, who is present at the hearing. If a party is not present at the hearing, the applicant must serve a conformed copy of the order within 24 hours of the ex parte hearing.

[Adopted July 1, 2007, amended July 1, 2008, subd (a)(b)(c)(d)(e)(f) amended January 1, 2010]

Rule 5.2 Hearings and Telephone Appearances

- (a) Failure of a moving party or attorney to be present at calendar call may result in the matter being removed from the calendar. If the responding party has appeared, attorney's fees and costs may be awarded to the appearing party against the offending party or attorney without prior notice other than this rule. The level of award of attorney's fees and costs shall be based on actual reasonable fees and costs resulting from the incident, and may be established by testimony of the party or the party's counsel.
- (b) The parties shall meet and confer prior to any scheduled hearing in a good faith effort to resolve all pending issues. If the Court determines that the parties have not done so, the Court may trail or continue the matter to allow the parties to meet and confer.
- (c) Hearings and Telephone Appearances. Pursuant to Family Code § 217, the court shall receive

all live, competent and relevant testimony at the hearing of an order to show cause or a notice of motion, unless the parties stipulate otherwise or the court makes a finding of good cause to refuse to hear the testimony.

- (d) Telephone appearances are governed by Local Rule 3.8.6

[Adopted July 1, 2007, amended July 1, 2009, subd(c) amended January 1, 2011]

Rule 5.3 Referrals to Mediation

- (a) Contested child custody and visitation matters must be referred for mediation before any permanent court orders are made or final judgment is entered.
- (b) A referral of a party to mediation is a court order, and each party is required to attend and participate in mediation.
- (c) A mediation appointment may be rescheduled one time by each party, or by court order. A request to reschedule shall be made at least five court days prior to the mediation date by telephoning the Access Center at (760) 482-2240.
- (d) Failure to cancel or reschedule mediation at least five court days before the mediation date, and failure to attend and participate in mediation, may subject the party to monetary sanctions of up to \$300.00 for each occurrence.
- (e) The mediator shall review such items as the parties may submit to the mediator prior to the mediation session which the parties feel would be helpful to the mediation process, including items from the Court's file such as the moving and responding

papers and any pertinent prior orders or judgments.

- (f) During mediation, the parties shall use their best efforts to settle the disputed custody and visitation issues.
- (g) At the time of the referral to mediation, the Court will set a date for further hearing, in advance of which, mediation shall be concluded.
- (h) If a disputed custody or visitation issue is resolved prior to mediation, the moving party or attorney must promptly notify the other party or attorney, and inform the Court in writing.
- (i) Before a hearing on any disputed issue of custody or visitation, the parties must participate in mediation. In addition, if there is any disputed issue of custody or visitation, the parties must participate in mediation prior to the first case management conference scheduled in the case. *For mediation appointment, see Rule 5.7 Advance Mediation below.*
- (j) Each party will complete and file the Advance Mediation Form (FL-05) at the time of filing either, a petition, response, a notice of motion, order to show cause or responsive declaration with issues relating to child custody or visitation. The party filing the Advance Mediation Form (FL-05) shall serve a copy of the form on the other party.

[Adopted July 1, 2007, amended July 1, 2009, amended effective January 1, 2011]

Rule 5.4 Participation in Mediation

The mediator has the duty of assessing the needs and best interest of the children, and may interview them if the mediator

determines it is appropriate or necessary. The mediator has the authority to involve such persons in the proceedings as the mediator deems appropriate. Children shall not be brought to the mediator's facility, except upon the request of the mediator.

[Adopted effective July 1, 2007]

Rule 5.5 Confidentiality of Mediation

Mediation must be held in private, and is confidential. Mediators are not allowed to testify concerning any aspect of the mediation process.

[Adopted effective July 1, 2007]

Rule 5.6 Results of Mediation

- (a) If mediation results in an agreement, the mediator shall reduce the agreement to writing and present it to the parties for signature. If all parties have signed the agreement, the signed agreement shall be placed in the court file in an envelope marked "Confidential-Mediation Agreement." for Court review.
- (b) If mediation yields no agreement on any issues, the mediator shall report only that mediation was unsuccessful.

[Adopted July 1, 2007, amended effective July 1, 2008]

Rule 5.7 Advance Mediation

The parties may have advance mediation before a hearing on a notice of motion or order to show cause by filing the Advance Mediation Form (FL-05) with a notice of motion or order to show cause.

[Adopted July 1, 2007, amended effective January 1, 2011]

Rule 5.8 Referral to Counseling

Where custody or visitation is in dispute, the parties shall, preferably in writing, address the issues in Family Code §§3190-3192, including (1) any alleged substantial danger to the best interests of the child, and (2) the manner in which counseling is in the best interests of the child.

[Adopted effective July 1, 2007, amended July 1, 2008]]

Rule 5.9 Repealed

[Previously adopted July 1, 2007; repealed effective July 1, 2008,]

Rule 5.10 Court Experts and Investigators

In an appropriate case, the Court may refer the matters of custody and visitation to the Probation Department, or to another Court expert for an investigation and report pursuant to Family Code Section 3110 or Evidence Code Section 730. The Court may also appoint an attorney for a child or private custody evaluator or investigator. The cost of experts shall be borne by the parties in a proportion to be ordered by the Court.

[Adopted effective July 1, 2007]

Rule 5.11 Court Experts

When a court-appointed investigator makes contact with minor children of families being investigated, the following rules shall apply:

- (a) The investigator must advise the child that any disclosures will not be confidential, unless the Court grants a protective order protecting such disclosures, in which case, the investigator shall so advise the child. Where the lack of confidentiality seems to impede the investigation, the investigator may recommend that

an attorney be appointed for the child, or communicate with each party (or counsel, if represented) and recommend that the matter be calendared for the purpose of discussing an appropriate protective order.

- (b) In a dispute between parents, a child interviewed by the investigator with one parent must be interviewed with the other, unless the Court orders otherwise on good cause shown.
- (c) Initial interviews of siblings must be conducted separately, but subsequent joint interviews may be appropriate.
- (d) In a dispute between parents, an investigation may be based on an interview with only one parent, unless the Court orders otherwise on good cause shown.

[Adopted effective July 1, 2007]

Rule 5.12 Disqualification of Court Expert

No expert appointed by the Court to perform an independent custody evaluation under Family Code Section 3110 and Rule 5.220 of the California Rules of Court may be peremptorily challenged.

[Adopted effective July 1, 2007]

Rule 5.13 Distribution of Investigation Report

The investigation report of any expert appointed by the Court shall be distributed in writing as follows: A copy will be delivered to the Court in an envelope marked “confidential.” Contemporaneously, copies shall be delivered or mailed to all counsel and unrepresented parties. Service on counsel shall be considered sufficient

service on the party represented by that counsel.

[Adopted effective July 1, 2007]

Rule 5.14 Complaints against Court Mediators, Evaluators, and Investigators

Any party or attorney representing a party with a grievance regarding mediation or evaluation may file a complaint with the CEO or designee according to court policy.

[Adopted July 1, 2007, amended July 1, 2008]

Rule 5.15 Case Management

- (a) It is the policy of the Superior Court to actively manage family law cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.
- (b) At the time of filing a petition for any case under this chapter, an initial case management conference will be scheduled by the Court one hundred eighty (180) days thereafter and notice thereof delivered by the clerk to the petitioner at the time the petition is filed.
- (c) A copy of the Notice of Case Management and a blank Case Management Questionnaire (FL-03) must be served on the responding party along with the summons and petition, and proof of service of thereof filed with the Court.
- (d) At the request of any party or upon the Court’s motion, any other appropriate contested family law matter may be set for a case management conference.
- (e) At least fifteen (15) days before the initial case management conference,

all counsel, and/or self-represented parties must file and serve on all parties a completed Case Management Questionnaire (FL-03).

- (f) At the case management conference, the Court shall continue the case for further review/case management, or schedule the case for settlement conference and/or trial. If a further review/case management conference is scheduled, the Court may require a supplemental case management questionnaire to be completed, served, and filed.
- (g) At the time of filing of a petition, response, notice of motion, order to show cause or responsive declaration for any case under this chapter, a self-represented litigant may file a Readiness Conference Option Form (FL-14) to request the setting of a readiness conference, which shall be scheduled within 45 days at the Access Center.

[Adopted July 1, 2007, amended July 1, 2008, subd (g) adopted effective January 1, 2011]

Rule 5.16 Exchange of Settlement Proposals

At least thirty (30) days prior to the date set for settlement conference, counsel for each party, and/or the self-represented parties must meet and confer, and exchange written settlement proposals, in a good faith effort to resolve issues in the case.

[Adopted effective July 1, 2007]

Rule 5.17 Settlement Conferences

- (a) A settlement conference shall be held in all family law trial-eligible cases unless otherwise ordered for good cause shown. Each party and the attorney for each party shall personally attend the settlement

conference unless excused by the Court.

- (b) Wherever possible, the judge presiding over the settlement conference shall be the trial judge. The Court's role is to assist counsel and/or self-represented parties in concluding settlement negotiations. The conference is generally held in chambers or a conference room, and may include dialogue between the Court and counsel or directly with the parties. The conference is generally not reported for the record; however, a reporter will be available, upon the request of parties, to memorialize final settlement agreements.
- (c) At least ten (10) days before the conference, all counsel, and/or self-represented parties must prepare, serve, and file a settlement conference statement (FL-04).

[Adopted effective July 1, 2007]

Rule 5.18 Trial Conference

On the date set for trial, and prior to any evidence being presented, the Court may, with the agreement of all counsel and parties, conduct settlement discussions. By participating in this conference, all counsel and/or self-represented parties waive the right to disqualify the judge other than for actual cause.

[Adopted July 1, 2007, amended effective January 1, 2011]

Rule 5.19 Trial Brief (Form FL-08)

- (a) Each counsel and /or self-represented party shall prepare, serve, and file a Trial Brief at least ten (10) days before trial. The brief must include the following information and attachments, if applicable to the disputed issue in the case:

- (1) A confirmation that the preliminary disclosure statements have been served and filed with the court;
- (2) A summary of all issues resolved; if the resolution is by written agreement, a copy of the agreement; if the agreement is oral, a statement of the details;
- (3) A summary of all issues in dispute, and the propounding party's proposed resolution of them;
- (4) A complete and current Income and Expense Declaration (FL-150);
- (5) A complete and current Schedule of Assets and Debts (FL-142);
- (6) A complete and current Property Declaration (FL-160);
- (7) A detailed itemization of all disputed marital assets and debt, and a proposal for an equal division of property. The proposed division shall specify any assumption or payment of debts and liabilities and any tax consequences;
- (8) Proposed orders for the child support, including guideline calculations;
- (9) Proposed orders for spousal support, including detailed justification;
- (10) Proposed orders for custody and visitation, including proposed access schedules;
- (11) Proposed orders for attorney's fees, court costs, and payment of other costs of litigation;
- (12) Points and authorities on any disputed issues of law applicable to the case;
- (13) Values of property shall be supported by appraisals or statements, copies of which shall be attached, unless good cause is shown why no appraisal or statement has been obtained. Except for items of unusual value, personal property maybe aggregated as e.g., "jewelry \$1000." There shall be rebuttable presumption that the average Kelly Blue Book value shown for a given vehicle is its fair market value;
- (14) If it is claimed that an item of property is wholly or partially separate, the statement must clearly show the item or amount claimed to be separate, and the justification thereof. If any community funds have been used to purchase or maintain separate property, the amounts and the times the payments were made must be shown;
- (15) A list of all witnesses to be examined, a brief synopsis of their testimony, and copies of the resumes of any expert witnesses;

- (16) Any additional information which the party believes would be helpful to the Court.
- (b) Failure to timely file a proper trial brief may result in the trial being vacated, the imposition of monetary sanctions including payment of costs and fees, or in trial sanctions precluding the litigation of issues or the exclusion of evidence. The Court has authority to impose these sanctions on its own motion. The sanctions may also be requested by an adverse party on noticed motion.

[Adopted July 1, 2007, subd (a) amended January 1, 2010]

Rule 5.20 Income & Expense Supplements

In supplying Income and Expense Declarations for the Court's consideration, the party must include the following (on attachments, if necessary):

- (a) Wage earners shall attach legible copies of their last three months' pay stubs, or a declaration by their employer establishing that no such stubs exist.
- (b) Employment benefits whether in cash or in kind.
- (c) If applicable, an explanation of why the party is currently unemployed and the nature of efforts made to seek new employment.
- (d) Where employment is seasonal, a description of the employment.
- (e) The identity of all income-producing household members, their relationship to a party, gross and net income, contribution to household expenses, and financial arrangements between the parties, if any.
- (f) A complete description of all other sources of income.
- (g) Self-employment and business income, with supporting documentation including, but not limited to, current business tax returns and/or verified profit and loss statements.

[Adopted effective July 1, 2007]

Rule 5.21 Child Support

- (a) When a proposed default judgment contains an award of child support, a copy of support calculations generated by computer software certified by the Judicial Council must be attached.
- (b) Where a proposed judgment contains an order for child support for a party who has requested or is currently receiving public assistance, or where child support is currently being enforced by Imperial County Department of Child Support Services in a separate case, the Judgment must have an attachment from the Imperial County Department of Child Support Services relating to Family Code Section 17404 (f) (3).

[Adopted effective July 1, 2007]

Rule 5.22 Spousal Support

The Court will consider all relevant factors in setting pendente lite/temporary spousal support, including guideline calculations based upon the formula adopted by Alameda County.

[Adopted July 1, 2007, previously amended January 1, 2009, January 1, 2010, amended effective January 1, 2011]

Rule 5.23 Family Law Facilitator

- (a) The office of the family law facilitator may perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code §10000, et seq.
- (b) In the event that the facilitator deems himself or herself disqualified or biased, he or she shall so advise the court executive officer, so that an alternate facilitator can be assigned to the case.
- (c) If there is a grievance against the facilitator, it shall be submitted in writing to the court executive officer.

[Adopted July 1, 2007, amended July 1, 2008]

Rule 5.24 Default or Uncontested Judgments

The parties seeking entry of a default judgment in cases with an issue with child custody or visitation shall file: a) a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act-Judicial Council Form (FL-105), and b) a declaration informing the court of the extent of contact between the child and each parent during the last six months. California Judicial Council Forms (FL-170) and (FL-230) may be used for this purpose, as applicable.

[Adopted July 1, 2007, amended effective January 1, 2011]

Rule 5.25 Attorney's Fees and Costs

If request is made for an order for attorney's fees and costs, the requesting party shall file a current Income and Expense Declaration-Judicial Council Form (FL-150). The requesting party or his or her attorney shall also file a declaration which shall include:

- (a) The services performed and costs incurred to date;

- (b) The time expended;
- (c) The hourly billing rate if applicable;
- (d) The best estimate of future services to be performed, costs to be incurred, and reason therefore;
- (e) Each party's access to community property;
- (f) The specific amounts requested;
- (g) The total amount paid by or on behalf of the party requesting fees and costs;
- (h) A history of prior appearance and awards; and
- (i) The extent to which there is a disparity of income between the parties.
- (j) The ability of one party to pay for legal representation for both parties. Any other relevant factors.

[Adopted July 1, 2007, subd (i) amended effective January 1, 2011, subd (j) adopted January 1, 2011]

Rule 5.26 Privilege Against Self Incrimination

In contempt proceedings a party may file a notice that he or she is exercising his or her right against self-incrimination, which shall be filed with the Court and served on all parties. Time for all requests for discovery requiring a personal response from the party under oath shall be tolled pending resolution of the contempt citation.

[Adopted effective July 1, 2007]

Rule 5.27 Domestic Violence and Child Custody Orders

- (a) Court Communication Regarding Restraining Orders.

- (1) All counsel and/or self represented parties must disclose to the Court all known existing restraining or protective or custody/visitation orders that are in effect anywhere involving the parties and/or their children.
 - (2) Orders that permit contact between a defendant or restrained person subject to either CLETS Civil Restraining Orders or Criminal Protective Orders and his or her children, shall contain specific language setting forth the time, day, place, and manner of the transfer of the children, including the safe exchange of the children, in accordance with Section 3100 of the Family Code. Such an order shall not contain language that conflicts with a Criminal Protective Order against any restrained party. Safety of all parties shall be the Court's primary concern;
 - (3) Any Court issuing any orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action;
 - (4) Any Court issuing a criminal protective order shall make reasonable efforts to determine whether there exist any child custody or visitation orders that involve any party to the action;
- (b) Modification of Criminal Protective Orders.
 - (1) Any Court responsible for issuing custody or visitation orders involving minor children of a defendant or restrained person subject to a Criminal Protective Order may modify the Criminal Protective Order if all of the following circumstances are applicable;
 - (2) Both the defendant or restrained person and the victim or protected person are subject to the jurisdiction of the Family, Juvenile, and Probate Court, and both parties are present before the Court;
 - (3) The defendant or restrained person is on probation (formal or court) for a domestic violence offense in Imperial County;
 - (4) The Family, Juvenile, or Probate Court identifies a Criminal Protective Order issued against the defendant, which is inconsistent with a proposed Family, Juvenile, or Probate Court order, such that the Family, Juvenile, or Probate Order is/will be more restrictive than the Criminal Protective Order or there is a proposed custody or visitation order which requires recognition in the Criminal Protective Order.
 - (5) The defendant signs an appropriate waiver of rights

form or enters a waiver of rights on the record.

- (6) Both the victim or protected person and the defendant or restrained person agree that the Criminal Protective Order may be modified to a more restrictive order.
- (c) The following Criminal Protective Orders may not be modified in Family, Juvenile, or Probate Court:
 - (1) Pre-Trial Orders;
 - (2) Requests for modifications of Criminal Protective Orders, which are less restrictive than the existing Criminal Protective Orders.
- (d) The Family, Juvenile, or Probate Court may, at the request of an interested party or on its own motion, calendar a hearing before the Criminal Court on the issue of whether a Criminal Protective Order should be modified. The Family, Juvenile, or Probate Court shall provide the Criminal Court with copies of existing or proposed Orders relating to the matter. Notice if the hearing will be provided to all counsel and parties.

[Adopted effective July 1, 2007]

Chapter 6 - Juvenile Dependency Proceedings

Rule 6.0 Attendance

Unless excused by the Court, each party and attorney shall attend each scheduled Juvenile Court hearing

[Adopted July 1, 2007, Rule 5.28 renumbered effective January 1, 2009]

Rule 6.1 Presence of Minor

(a) All minors shall attend Court hearings unless excused for one of the following reasons:

- (1) The minor's attorney waives the minor's appearance;
- (2) The minor chooses not to attend;
- (3) The minor is excused by the Court; or
- (4) The minor is disabled, physically ill, or hospitalized.

(b) Every minor ten (10) years or older shall be told of his or her right to attend court hearings and all minors over the age of ten (10) shall be given notice by the investigating or supervising social worker.

[Adopted effective July 1, 2007, Rule 5.29 renumbered effective January 1, 2009]

Rule 6.2 Court Appointed Special Advocate General

(a) A Court Appointed Special Advocate, hereinafter "advocate", is appointed by the Court on behalf of children, and usually only in juvenile dependency proceedings. An advocate serves at the pleasure of the

Court having jurisdiction over the proceeding in which the advocate has been appointed.

(b) Each advocate shall be sworn in by a Superior Court Judge before beginning his or her duties. An advocate is an officer of the Court and is bound by all court rules.

(c) Advocates serve under the guidance and supervision of the Imperial County CASA program staff and are expected to comply with operational policies and procedures approved by the program's Board of Directors, Sections 100 through 109 of the Welfare and Institutions Code, Rule 1424 of the California Rules of Court, any and all Judicial Council Guidelines, local rules of court, and the provisions of any agreement entered into by the Imperial County CASA program with the Juvenile Court.

[Adopted July 1, 2007, Rule 6.2 renumbered January 1, 2009, amended effective January 1, 2011]

Rule 6.2.1 Function of Advocates

In general, an advocate's functions are as follows:

- (a) Support the child throughout the court proceedings;
- (b) Explain the court proceedings to the child;
- (c) Establish a relationship with the child to better understand the child's needs and desires;
- (d) Review available reports and records regarding the child's family history, school behavior, medical or mental health history, etc. including relevant records pertaining to the child from any agency, hospital, school,

- organization, division or department of the state, physician and surgeon, nurse, other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic.
- (e) Identify and explore potential resources that will facilitate family preservation, early family reunification, or alternative permanency planning;
 - (f) Explain the advocate's role, duties, and responsibilities to all parties associated with a case.
 - (g) Visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until Dependency is dismissed or the advocate is relieved from appointment.
 - (h) Communicate the child's needs to the Court through written reports to the Court and make recommendations to the Court on what placement, or permanent plan (if any), and services are best for the child;
 - (i) Determine whether appropriate services, including reasonable efforts, are being provided to the child and family;
 - (j) Ensure that the Court-approved plans for the child are being implemented; attend Court hearings;
 - (k) Investigate the interests of the child in judicial or administrative proceedings outside of Juvenile Court, and communicate and coordinate efforts with the child's social worker and attorney.

- (l) Conduct an independent investigation of the circumstances surrounding the case, and interview and observe the child and other appropriate individuals (that is, the parties involved in the case as well as other persons having significant information relating to the child).

[Adopted effective January 1, 2011]

Rule 6.2.2 Specific Duties of Advocate

The Court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the advocate's duties in each case. If no specific duties are outlined by court order, the advocate shall discharge his or her obligation to the child and Court in accordance with the general duties set forth above. The extent of an advocate's investigative authority is the same as any other officer of the Court appointed to investigate proceedings on behalf of the Court. An advocate is required to report the results of his or her investigation to the Court and, if ordered to do so, provide the Court with any other information the Court specifically requests.

[Adopted effective January 1, 2011]

Rule 6.2.3 Family Law Advocate

Should the Juvenile Court dismiss Dependency and create a Family Law Order pursuant to W.I.C Section 362.4, the Court may continue the advocate's appointment in the Family Law proceeding. In such case, the Court shall specify the nature, extent, and duration of the advocate's duties in the Family Law proceeding.

[Adopted effective January 1, 2011]

Rule 6.2.4 Referral Procedures

- (a) A child's dependency case may be referred by the Court or by any interested person to the CASA

program for evaluation for appointment at any point in the proceedings.

- (b) Upon acceptance of the case by the program and acceptance by an available advocate, an Order for Appointment shall be submitted to the Court by the CASA program staff, requesting appointment of the identified volunteer. The Court may appoint an advocate at any time following the jurisdictional hearing. In extraordinary cases, the presiding judge, or his or her designee, may appoint an advocate prior to the establishment of jurisdiction. In such cases, the judicial officer shall be particularly specific as to the duties of the advocate in order to reduce the risk that the advocate may become involved in the investigative process.
- (c) The CASA office will notify the parties of the appointment of an advocate, and provide the name and contact information of the specific advocate assigned to the case.

[Adopted effective January 1, 2011]

Rule 6.2.5 Criteria for Referral to CASA Program

Priority consideration for appointment of an advocate will be given involving the following circumstances;

- (a) Severe physical/sexual abuse cases where the child is not released to a parent or relative, and/or the child is seriously traumatized.
- (b) Cases that involve Special Needs Children that involve conflicting opinions as to assessment and/or treatment for child, or where treatment plans or resources will be difficult to arrange. "Special Needs Children" are identified as children

who have experienced three or more separate placements during any consecutive 12-month period or who have been diagnosed or have a history of the following:

- (1) Conduct disorder with aggressive tendencies or antisocial behavior;
- (2) Attention Deficit Hyperactive Disorder treated by psychotropic drugs;
- (3) Self-destructive or suicidal behavior;
- (4) Use of psychotropic drugs;
- (5) Developmental disability;
- (6) Fire setting;
- (7) Manifestation of psychotic symptoms, such as delusion, hallucination, or disconnected or incoherent thinking;
- (8) Summarization of psychosomatic problems, such as a sleeping or eating disorder;
- (9) Chronic depression or social behavior;
- (10) Severe sexual acting-out behavior; or
- (11) Substance abuse.
- (c) Cases of re-abuse that involve a number of issues or a number of interested parties;
- (d) Children ten (10) years and under who have experienced multiple placements and whose parents have

consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;

- (e) Children age 0-8 years old in foster care, where a CASA volunteer might expedite the case toward family reunification or adoption, if reunification is not appropriate; and
- (f) Short-term CASA intervention or involvement may facilitate case resolution or clarification of issues or by gathering or researching information, e.g., contacting out-of-state relatives or investigating medical concerns to assist the Court in reaching a decision.

[Adopted effective January 1, 2011]

Rule 6.2.6 Release of Information to Advocates

An advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation) with regard to records held by any agency, school, organization, division or department of the state, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her identification as a court appointed special advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to child.

[Adopted effective January 1, 2011]

Rule 6.2.7 Report of Child Abuse

An advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed. As such, an advocate is required to report any reasonable suspicion

that the child is a victim of child abuse or serious neglect as described by Penal Code Section 273.

[Adopted effective January 1, 2011]

Rule 6.2.8 Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments maintained among the, advocate the social worker, the child's attorney (if any), attorneys for parents, relatives (to the extent permitted by law), foster parents (to the extent permitted by law), and any therapist for the child.

[Adopted effective January 1, 2011]

Rule 6.2.9 Right to Timely Notice and Right to Timely Appear

- (a) An advocate shall be provided proper and timely notice for all proceedings held in cases to which the advocate has been appointed.
- (b) An advocate has the right to be personally present at all hearings and to be heard at all Court hearings. The advocate shall have the right to participate in any chambers' conferences which are held in the proceedings to which the advocate has been appointed. If the child is allowed to testify in chambers or to otherwise participate in any chambers' conference, the advocate shall have the right to accompany the child. An advocate shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings.
- (c) An advocate shall not be deemed to be a "party" as described in Title 3 of Part 2 of the Code of Civil Procedure. However, the Court, in its

discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

[Adopted effective January 1, 2011]

Rule 6.2.10 Access to Records

- (a) All information concerning children and families in the Juvenile Court process is confidential. An advocate shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff except as may be ordered by the Court. Any request for access to these records by a non-party must be made to the Presiding Juvenile Court judge through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code sections 827 and 828 (Form JV-570).
- (b) The child's case file shall be maintained in the Imperial County CASA office by a custodian of records. No one shall have access to that file except upon approval of the CASA program director. All records will be kept for a minimum of five (5) years and appropriately destroyed, pursuant to Welfare and Institutions Code section 826(a).
- (c) An advocate's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the CASA program director, and the presiding judge of the Juvenile Court (or his or her designee). A CASA volunteer's personnel records, however, are subject to the Court's subpoena power. All subpoenas are to be served on the CASA program director at the Imperial County CASA program's offices at:

Court Appointed Special Advocate Program
690 Broadway, Suite #6
El Centro, CA. 92243

[Adopted effective January 1, 2011]

Rule 6.2.11 Appeal and Grievance Procedures

- (a) Advocates serve at the pleasure of the Court; the appointment is a privilege and not a right. The Presiding Juvenile Court judge or his or her designee has the sole authority and power to appoint and/or remove an advocate to or from a case. There is no appeals process from the Court's decision.
- (b) The Imperial County CASA program has established an internal process for the submission and investigation of grievances which process shall be followed.
- (c) Once an advocate has been removed from a case, the volunteer is not to contact any of the parties in the case. Advocates who are removed or terminated from the program shall not be appointed on any other case.

[Adopted effective January 1, 2011]

Rule 6.3 Visitation

- (a) Visitation between a minor and the minor's parents, or guardians should be as frequent as possible based on the individual circumstances of the case. Orders for visitation may be issued at any schedule hearing. Arrangements for visitation may be modified by the filing and approval of a WIC Section 388 petition. Unless specified otherwise by the Court, the following definitions shall apply to visitation Supervised Visits: DSS is responsible for the supervision of visits unless the court order specifies that a third party may

assume the role. Probation staff may supervise visitation at the shelter receiving home. Only reasonable visits may be required to be supervised.

Reasonable Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.

Liberal Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.

Extended Visits: Visits which last beyond fourteen (14) consecutive days. Pursuant to state regulations, extend visits become placements after sixty (60) consecutive days.

- (b) Any significant decrease from the court-ordered level of a party's visitation shall be presented to the affected party for comment before being submitted to the Court. The Court may set a hearing on the issue after hearing the party's comments on the proposed reduction.

[Adopted July 1, 2007, Rule 6.3 renumbered effective January 1, 2009]

Rule 6.4 Attorney Competency

- (a) All attorneys who represent parties in juvenile court proceedings must be competent within the meaning of these rules. In order to be deemed competent, all attorneys who represent parties in juvenile court proceedings must meet the minimum standards of training and/or experience set forth in these rules and the CRC.
- (b) Each attorney of record for a party to a dependency matter who meets the minimum standards of training

and/or experience must complete and submit a certification of competency (JV-01) to the Court Executive Officer within ten (10) days of his or her first appearance in a dependency matter.

- (c) Attorneys who meet the foregoing minimum standards of training and/or experience shall be deemed competent to practice before the Juvenile Court in dependency cases, except as provided otherwise herein.
- (d) Any attorney appearing before the Court in a dependency case who does not meet the minimum standards of training or experience shall notify the Court to that effect and shall have ten (10) days therefrom to complete the minimum requirements of these rules and the CRC.
- (e) If a Court appointed attorney fails to complete such training, the Court shall order that counsel deemed competent be substituted for said attorney. If counsel is retained, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.
- (f) The Court may also determine, based on conduct or performance of counsel before the Court in a dependency case within the six-month period prior to the submission of the certification to the Court, that a particular attorney does not meet minimum competency standards. In such case, the Court shall not appoint such attorney to represent parties in juvenile dependency matters until the

Court is satisfied the attorney meets the minimum competency standards.

- (g) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

[Adopted July 1, 2007, Rule 6.4 renumbered effective January 1, 2009]

Rule 6.5 Minimum Standards of Attorney Education and Training

(a) The minimum training and educational requirements for attorneys representing parties in juvenile court proceedings are as follows:

- (1) Participation in at least eight hours of training or education in a juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs of appeal, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts, or
- (2) At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated

competence the Court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

- (b) In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the Court shall submit a new certificate of competency to the Court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider, a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider, a copy of the training or educational program schedule together with evidence of attendance at such program, or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court-sponsored or approved program will also fulfill this requirement.
- (c) The attorney's continuing training or education shall be in the areas set forth in these rules or in other areas related to juvenile dependency

practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

- (d) When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the Court by the due date, the Court shall notify the attorney that he or she will be decertified. The attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education.

[Adopted July 1, 2007, Rule 5.33 renumbered effective January 1, 2009]

Rule 6.6 Standards of Representation

All attorneys appearing in dependency

- (a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported, contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by

accurate facts and reliable information, consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court, and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

- (b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the home. Thereafter, the attorney or attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.
- (c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.
- (d) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interest, and to comply with local rules and

procedures as well as with statutorily mandated timelines.

[Adopted July 1, 2007, Rule 5.34 renumbered effective January 1, 2009]

Rule 6.7 Procedures for Informing Court of the Interests of a Dependent Child

- (a) At any time during the pendency of a dependency proceeding, any interested person may notify the Court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel shall notify the Court of such right or interest as soon as it is reasonably possible to do so.
- (b) Notice to the Court may be given by the filing of Judicial Council Form JV-540 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.
- (c) If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed actions, whether joinder of an administrative agency to the juvenile court proceedings pursuant to WIC Section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.
- (d) If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.
- (e) The Court may set a hearing on the notice if the Court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.
- (f) If the Court determines that further action on behalf of the child is required, the Court shall do one or more of the following:
 - (1) Authorize the minor's attorney to pursue the matter on the child's behalf;
 - (2) Appoint an attorney for the child if the child is unrepresented;
 - (3) Notice a joinder hearing pursuant to WIC Section 362 compelling the responsible agency to report to the Court with respect to whether it has carried out its statutory duties with respect to the child;
 - (4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing

appropriate action in the other forum(s);

- (5) Take any other action the Court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

[Adopted July 1, 2007, Rule 5.35 renumbered effective January 1, 2009]

Rule 6.8 Discovery

- (a) Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant materials shall be disclosed in a timely fashion to all parties of the litigation.
- (b) Only after all informal means have been exhausted may a party petition the Court for discovery. A noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.
- (c) There shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of the Juvenile Court upon noticed motion.
- (d) In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least ten (10) calendar days before the hearing and any up-dated records two (2) calendar days before the hearing. In all other cases, such documents shall be made available at least two (2) calendar days prior to the hearing.
- (e) Upon timely request, parents, guardians and de facto parents shall

disclose to all other parties such non-privileged material and information within their control which is relevant.

- (f) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court order.
- (g) No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without Court approval. This rule does not apply to the DSS case manager or other authorized DSS social worker.
- (h) All attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews taken of the minor relating to the events surrounding the alleged abuse. Any person entitled to information about the alleged incident shall first review any previous information or reports made by the investigating officer(s).

[Adopted July 1, 2007, Rule 5.36 renumbered effective January 1, 2009]

Rule 6.9 Production of DSS Reports

- (a) Reports prepared by DSS shall be filed, served, and made available to all counsel before the hearing in accordance with the following time limitations, unless otherwise ordered by the Court:
- (1) Jurisdictional and/or dispositional reports are due

at least two (2) judicial days before and hearing;

- (2) Review of dependency status and status review reports are due at least ten (10) calendar days before the hearing.
- (3) All other reports shall be due a reasonable time before the hearing, but in no event less than two (2) court days.
- (b) If a report is not timely filed or made available to all counsel, then any affected party or the Court, may move to strike the report, or request a continuance of the hearing to the extent permitted by law.
- (c) The names of any experts to be called by any party and copies of their reports, if not part of a social study report prepared by DSS, shall be provided to all counsel at least five (5) calendar days before the hearing.

[Adopted effective July 1, 2007]

Rule 6.10 Ex Parte Applications and Orders

- (a) Before submitting ex parte orders to the Court for approval, the applicant must give notice to all counsel, social workers, CASA, and parents who are not represented by counsel, or explain the reason notice has not been given.
- (b) Any party requesting ex parte orders must give all other parties at least 24 hours notice of any intention to seek an ex parte application, and complete a “Declaration Re notice of Ex Parte Application” form (JV-02) so indicating. The original declaration and accompanying application for

order must be submitted to the clerk in the juvenile department.

- (c) Upon receipt of the application and declaration of notice, the courtroom clerk will note the date and time received in the upper right corner of the declaration.
- (d) An opposing party must present any written opposition to a request for ex parte orders to the courtroom clerk within twenty four (24) hours of receipt of notice. The Court may render a decision on the ex parte application or set the matter for hearing. The applicant is responsible or serving all noticed parties with copies of the Court’s decision or notice that the Court has calendared the matter and the applicant shall notify all parties of any hearing date and time set by the Court.
- (e) Whenever possible the moving and responding papers and declaration re: notice shall be served on the attorneys for each parent, attorney for the child, county counsel, supervising social worker and parents who are not represented by counsel.
- (f) Notice may be excused if the giving of such notice would frustrate the purpose of the order and cause the child to suffer immediate and irreparable injury.
- (g) Notice may also be excused if, following a good faith attempt, the giving of notice is not possible, or if the opposing parties do not object to the requested ex parte orders.

[Adopted July 1, 2007, Rule 5.38 renumbered effective January 1, 2009]

Rule 6.11 Application for Modification of Court Orders

- (a) If relief is sought on an ex parte basis the Court shall either grant a hearing and assign a hearing date, or grant or deny the petition for modification outright.
- (b) After the judicial officer grants a hearing, the party who presented the petition for modification shall file the petition for modification and any supporting papers with the clerk's office and serve copies of the filed petition for modification and any supporting papers on each party and the party's counsel, if any.
- (c) If the judicial officer grants a hearing on the petition for modification and assigns a hearing date, the party who presented the petition for modification shall serve, no less than ten (10) calendar days prior to the assigned hearing date, the filed petition for modification and any supporting papers on each party and the party's counsel, if any. If the petition for modification and any supporting papers are not served on each party or the party's counsel, if any, in compliance with this rule, the hearing date may be taken off calendar.
- (d) Any party seeking an order temporarily granting the relief sought in a petition for modification pending the hearing on that petition, shall specify in the petition the fact that temporary relief is being sought and the specific nature of the temporary relief sought. Any such request for temporary relief shall be accompanied by evidence demonstrating that the order temporarily granting the relief sought

in a petition for modification is in the best interests of the minor.

[Adopted July 1, 2007, Rule 5.39 renumbered effectively January 1, 2009]

Rule 6.12 Authorizations for Travel, Medical and Dental Care

- (a) Unless ordered otherwise by the Court, a minor's care provider may travel with the minor within the State of California with the concurrence of DSS. Any travel for the minor out of the State of California shall require prior Court approval.
- (b) Unless counsel for a party has specifically requested advance notice of ex parte applications regarding out-of-state travel or medical/dental care for the minor, an ex parte application may be made, without advance formal notice, to the judicial officer in whose courtroom the minor's case is assigned, seeking an order permitting minor to travel out of state with the foster parent or care provider, relative, or other appropriate adult acceptable to DSS, or an order authorizing that medical or dental care be performed on the minor. All such ex parte applications shall be filed no less than ten (10) calendar days prior to the proposed travel or medical/dental care, absent good cause shown on the application, or unless the Court has specified a greater or lesser period. All such ex parte applications shall include the following information:
 - (1) the name and address of each party to the action, and the name and address of each party's counsel;
 - (2) the efforts made to obtain the consent of and/or give notice to the parents or guardians of

the minor of the proposed travel or medical/dental care;

- (3) if a parent or guardian has refused to agree to the proposed travel or to give consent to medical/dental care, that fact shall be noted on the application, including the ground for the parent/guardian's refusal, if known;
- (4) for any parent or guardian whom DSS was unable to locate to give notice and/or obtain consent, a description of the efforts made to locate the parent/guardian; the fact the minors counsel has been notified of the proposed travel or medical/dental care, and said counsel's position on the proposed travel or medical/dental care.
- (c) When presented with an ex parte application for order authorizing out-of-state travel or medical/dental care, the Court shall either grant the request and issue the order, or deny the request. If the Court issues the requested order authorizing out-of-state travel or medical/dental care the presenting party must present the application form and order to all counsel. Any party disagreeing with the order for out-of-state travel or medical/dental care shall place the matter on calendar for further consideration.

[Adopted January 1, 2007, Rule 5.40 renumbered effective January 1, 2009]

Rule 6.13 Procedures for Reviewing and Resolving Complaints Against Attorneys

- (a) Any party to a juvenile court proceeding may lodge a written

complaint with the juvenile presiding judge concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

- (b) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of giving notice. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.
- (c) The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.
- (d) After a response has been filed by the attorney or the time for a submission of a response has passed, the court shall review the complaint and the response, if any, to determine

- whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.
- (e) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acts contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.
- (f) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the required standards of representation, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.
- (g) The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. The attorney shall have ten (10) days after the date of the notice to request a hearing before the Court concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.
- (h) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested, except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.
- (i) At hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court determination. Such arguments shall be based on evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing, or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A

copy of the hearing decision shall be provided to both the complainant and the attorney.

[Adopted July 1, 2007, Rule 5.41 renumbered effective January 1, 2009]

Rule 6.14 Financial Responsibility for Attorneys Fees

- (a) Pursuant to WIC 903 et seq., the Court may make an evaluation of the financial ability of parent(s) or guardian(s) to reimburse the County for legal services.
- (b) Financial Responsibility may be determined at the conclusion of any of the following hearings:
 - (1) at time of dismissal, if before the dispositional hearing;
 - (2) disposition;
 - (3) at the 366.21(f), 366.22(f) or 366.22 hearing if the Court orders a permanent plan and a 366.26 hearing is not set;
 - (4) at the 366.26 hearing;
 - (5) at any time the attorney is relieved from further representation.
- (c) Financial responsibility shall be determined according to the procedures set forth in the Superior Court Guidelines For Assessment and Collection of Costs For Court-Related Services (Form JV-03), or as otherwise ordered by the Court.

[Adopted July 1, 2007, Rule 5.42 renumbered effective January 1, 2009, subd (c) amended January 1, 2010]

Chapter 7

Probate Rules

Rule 7.0 Caption of Petitions

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

[Adopted effective July 1, 2007]

Rule 7.1 Appearances

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property and any petition to which objection has been filed. All other petitions may be pre-approved by the Probate Examiner, with no appearance required, if an order is received by the Court prior to the hearing. However, if an interested person appears and objects and the Court determines that an appearance is necessary by Counsel, the matter may be continued. No notice of continued hearing date will be mailed by the Court; it is the responsibility of counsel to determine whether the matter has been approved or continued.

[Adopted effective July 1, 2007]

Rule 7.2 Probate Examiner

Counsel may telephone the Probate Examiner's Office to determine if there are any defects in the file two days prior to the hearing.

[Adopted effective July 1, 2007]

Rule 7.3 Hearings

All probate matters are heard on Friday of each week at 8:30 a.m. in the assigned probate department. The hearing date is

scheduled by counsel and required to be on all notices of hearing at the time of filing thereof. The Court does not schedule the date of any hearing or mail notices of any hearings.

[Adopted effective July 1, 2007]

Rule 7.4 Order for Family Allowance

The duration of an order for family allowance is limited to six months if no inventory and appraisal has been filed, and is limited to one year if an inventory and appraisal has been filed.

[Adopted effective July 1, 2007]

Rule 7.5 Independent Administration

When a personal representative has been granted authority to administer the estate under the Independent Administration of Estates Act (beginning at Probate Code, Section 10400), the following policies shall apply:

- (a) The original of the notice of proposed action and proof of mailing or personal delivery of the notice shall be filed with the Court.
- (b) In any accounting or petition for distribution, the personal representative shall report all acts taken without court authorization, approval, confirmation, or instruction that would be required if authority to administer the estate under the Independent Administration of Estates Act has not been granted ("independent acts"). With respect to each independent act, the personal representative shall state whether notice of proposed action was not given, the personal representative should allege whether such notice was not required or waived. Independent acts reported in a prior

noticed petition need not again be reported in a later petition.

- (c) If no independent acts have been taken during administration, this fact should be stated in the petition for final distribution.

[Adopted effective July 1, 2007]

Rule 7.6 Fees Stated When Account Waived

In accounts, or in petitions for distribution accompanied by waiver of accounting, the report must state the amount of the personal representative's commissions payable as well as the amount of the attorney's fees and the basis for calculation thereof. When income is included in the basis for calculation, even though the accounting is waived, a detailed schedule of income must be presented.

[Adopted effective July 1, 2007]

Rule 7.7 Non-Statutory Fees and Commissions

- (a) A petition for services other than statutory compensation rendered in a probate or other proceeding shall include:
 - (1) A declaration by the attorney, personal representative, trustee, or other fiduciary of the services rendered or to be rendered by each of them itemizing their services by date, time, and service rendered;
 - (2) The sum requested for each item of service, together with the total amount requested for such services (and not merely "reasonable fees"); and

- (3) A reference in the caption and prayer to the additional fees.

- (b) In determining such fees, the Court shall consider the difficulty of the tasks performed, the reasonable value of time expended, the amount of the estate accounted for, and whether an accounting is waived.

[Adopted effective July 1, 2007]

Rule 7.8 Fees for Conservators and Attorneys

- (a) Petitions for a fee request should be filed with all accountings.
- (b) Fees for court appointed attorneys should be requested at the hearing as part of the attorney's report.
- (c) Services rendered by conservators and their attorneys must be set forth in a detailed statement of the facts upon which the fee request is based, including a schedule which states: the nature and difficulty of task performed; the results achieved; the benefits to the conservatee or conservatee's estate; a description of each separate service performed; the hours spent; and total amount requested.

[Adopted effective July 1, 2007]

Chapter 8 – Appellate Division and Appeals

Division 1 General **Rule 8.1.0 Sessions**

The appellate division shall meet on the second Friday of each month provided there are Court cases which meet all of the following:

- (a) The record has been filed with the Appellate Division.
- (b) All briefs have been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.
- (c) The matter has been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.

[Adopted effective July 1, 2007, Rule 8.0 renumbered effective January 1, 2009, amended January 1, 2010]

Rule 8.1.1 Content of Briefs

All briefs shall comply with CRC 8.204(a).

[Adopted July 1, 2007; Rule 8.1 renumbered effective January 1, 2009]

Rule 8.1.2 Agreed Statement on Appeal

The Court encourages the use of an agreed statement on appeal. To the extent that the parties are able to stipulate to some matters but not others, the parties shall file a joint agreed statement setting forth those matters upon which they agree and disagree, as well as the parties' respective positions on those matters to which they do not agree. The appellant shall prepare the agreed statement on appeal, but it shall be signed by counsel for all parties.

[Adopted effective July 1, 2007]

Rule 8.1.3 Stay Orders in Pending Civil Appeals

- (a) Applications for stay orders pending appeal, before notice of appeal has been filed, must be filed in the trial court. Applications for stay orders pending appeal after notice of appeal has been filed, must be filed in the appellate division.
- (b) Applications for stay orders are ruled upon, without hearing, by the Court, which may request opposition papers be filed before ruling.
- (c) Petitions for writ of supersedeas must be filed in the appellate division and, must be accompanied by proof of service at the time of filing. Petitions for writ of supersedeas will be ruled upon, without hearing, by the Appellate Presiding Judge who may request that opposition papers be filed before ruling on the petition.
- (d) Petitions for writs of supersedeas may be granted only on a showing of exceptional circumstances.

[Adopted July 1, 2007; Rule 8.3 renumbered effective January 1, 2009]

Rule 8.1.4 Applications and Motions

- (a) No application or motion shall exceed five (5) pages in length. All applications shall include a declaration under penalty of perjury stating with particularity the grounds and reasons for the application.
- (b) Rulings on applications and motions made pursuant to this rule are made, without hearing, by the presiding judge of the appellate division.

[Adopted July 1, 2007, Rule 8.4 renumbered effective January 1, 2009]

Rule 8.1.5 Oral Argument

- (a) The date for oral argument will be set by the appellate division. A party who fails to appear at oral argument when the case is called, is deemed to have waived oral argument.
- (b) Continuances will only be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the presiding judge of the appellate division, and will be ruled upon, without a hearing.

[Adopted July 1, 2007, Rule 8.5 renumbered effective January 1, 2009]

Rule 8.1.6 Abandonment and Dismissal

- (a) Counsel for appellant must promptly advise the appellate division in writing of the abandonment of any appeal, of settlement, and satisfaction of judgment.
- (b) If the appellant fails to perfect the record on appeal, procure the preparation of the record, file an opening brief, fails to do any act required by law or these rules or to expeditiously process the appeal, the Court may send notice that the appeal will be dismissed within fifteen (15) days from the date of mailing of the notice if the defect(s) is/are not cured.
- (c) If the respondent fails to file a responsive brief, or to do any act required by law or these rules or to expeditiously process the appeal, the Court may send notice that it may determine the appeal notwithstanding the default, or in the alternative, deem the appeal meritorious if the default is not cured

within fifteen (15) days from the date of mailing of the notice.

[Adopted July 1, 2007, Rule 8.6 renumbered effective January 1, 2009]

Rule 8.1.7 Judgment

Judgment will be issued within ninety (90) days of submission. A statement of reasons or opinion may be issued, but is not required.

[Adopted July 1, 2007, Rule 8.7 renumbered effective January 1, 2009]

Division 2. Criminal

Rule 8.2.0 Cost of Transcripts in Criminal Cases

- (a) In criminal cases in which the defendant appeals any court order or judgment, and requests a transcript at public expense, the Court may conduct a hearing to determine the defendant's financial ability to pay all, or part of, the cost of the transcript.
- (b) A request for a transcript at public expense in cases where the matter appealed from was electronically recorded will be granted only in exceptional circumstances and only upon a showing of good cause.
- (c) The defendant's request for the preparation of a transcript at public expense shall be in writing and shall set forth by declaration good cause for the request including but not limited to a detailed and specific account of all efforts made to create a record through other means such as a settled statement.

[Adopted July 1, 2007, Rule 8.8 renumbered effective January 1, 2009]

Rule 8.2.1 Bail and Stay of Execution in Criminal Cases

- (a) Applications for bail or release on own recognizance must first be made in the trial court, and if denied, may then be made in the appellate division.
- (b) Applications for bail reduction are ruled upon without hearing.
- (c) Applications for stay of execution must first be made in the trial court, and, if denied, may then be made in the Appellate Division. Applications for stay are ruled upon without hearing.

[Adopted July 1, 2007, Rule 8.8 renumbered effective January 1, 2009]

Rule 8.2.2 Disposition of Petition

Within 15 days of the filing of the writ petition, the court will either summarily deny the petition or issue an alternative order to show cause why the relief requested should not be granted. If the alternative writ or order to show cause is issued, the Court shall allow at least 5 days for the Court to act or the party to file a responsive pleading, except as herein provided. If the Court grants petitioner's request for stay, the Court will allow at least 10 days for a response. On the motion of any party for good cause shown, or on the Court's own motion, the Court may shorten or extend time for doing any act under this rule.

[Adopted July 1, 2007, Rule 8.10 renumbered effective January 1, 2009]

Rule 8.2.3 Filing Requirements

- (a) All petitions for extra ordinary relief which name the Superior Court, County of Imperial as respondent, must be filed in the office of the clerk at 939 Main Street, El Centro.

No such petitions will be accepted for filing anywhere else. Unless otherwise ordered, any subsequent pleadings and papers in the same matter must be filed in the same office.

- (b) All such petitions will be assigned appellate case numbers.
- (c) No filing fee will be required when a petition arises from a criminal case.
- (d) The petitioner or counsel for the petitioner is required to submit one original and five copies of the petition. Each copy of the petition must include all declarations, exhibits and/or other permissible attachments
- (e) If the underlying action is civil, petitioner must also include envelopes bearing sufficient postage for service of the court's orders and addressed to petitioner, respondent(s), and real party/parties in interest.

[Adopted July 1, 2007, Rule 8.11 renumbered effective January 1, 2009]

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48	Waiver & Plea Form (Misdemeanor).....	CR-09

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL

In the Matter of the Adoption)	Case No.:
)	
Petition of:)	
)	
)	
)	
_____, Adopting Parent)	
)	
)	
_____)	

**APPLICATION AND ORDER FOR
INVESTIGATION
(Stepparent Adoption, Fam. Code
Section 9001)**

Petitioner, _____, hereby requests an order directing the Probation Department to conduct an investigation of this petition, and file a report and recommendation with this court.

ORDER

**GOOD CAUSE APPEARING, THEREFORE, IT IS THE ORDER OF THE THIS
COURT**

That the Probation Department will conduct an investigation, and file a timely report and recommendation with this court. Said report will/will not include a home study of petitioner's home (Fam. Code, sec. 9001(b)). Absent a waiver, petitioner shall bear the cost of the investigation report up to \$700 (Fam. Code, sec. 9002).

Dated: _____

Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 415 East Fourth Street, Calexico, CA 92231 <input type="checkbox"/> 2124 Winterhaven Dr., Winterhaven, CA 92283	FOR COURT USE ONLY
PLAINTIFF: DEFENDANT:	
NOTICE OF RESTRICTED ACCESS – CCP § 1161.2	CASE NUMBER:

An unlawful detainer complaint (eviction action) has been filed naming the above-mentioned defendant(s). Access to the court file will be delayed for 60 days except to a party, attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number of the subject premises, or (2) provides to the clerk the name of one of the parties to the action or the case number and can establish through proper identification that he or she lives at the subject premises. Access to the court index, register of actions or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause.

You may contact the following agencies for legal advice regarding the case:

California Rural Legal Assistance: (760) 353-0220
 Elder Law & Advocacy: (760) 353-0223
 Imperial County Bar Association: (760) 352-4144

This notice is sent pursuant to California Code of Civil Procedure § 1161.2, and does not constitute service of the summons and complaint.

KRISTINE S. KUSSMAN, CLERK OF THE COURT

Date:

by: _____
 Name of Clerk, Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the Notice was mailed first class, postage fully prepaid, in a sealed envelope address as shown below, and that this notice was mailed at El Centro, California on:_____.

KRISTINE S. KUSSMAN, CLERK OF THE COURT

Date:

by: _____
 Name of Clerk, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 415 East Fourth Street, Calexico, CA 92231 <input type="checkbox"/> 2124 Winterhaven Dr., Winterhaven, CA 92283	
PLAINTIFF: DEFENDANT:	
APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)	CASE NUMBER:

1. I am the ☐ plaintiff ☐ plaintiff's attorney.
 2. I hereby apply for an order pursuant to Code of Civil Procedure § 415.45 to permit service by posting of the summons and complaint on defendant(s) (specify names): _____

 3. The complaint seeks possession of the property located at: _____

- County of Imperial. The property is ☐ residential ☐ commercial.
4. Attempts to serve the summons and complaint in a manner specified by Code of Civil Procedure § 415.10 (other than posting and publication) were made as follows:

	DATE	TIME	REASON SERVICE COULD NOT BE MADE/REMARKS
a.			
b.			
c.			

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(SIGNATURE OF APPLICANT OR ATTORNEY)

APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)

FINDINGS AND ORDER FOR POSTING OF SUMMONS

Case Number _____

THE COURT FINDS that a cause of action exists against the defendant(s) named in the application and that the defendant(s) named in the application cannot with reasonable diligence be served in any manner specified in Civil Code § 415.10 et seq., other than posting or publication.

THE COURT ORDERS that the defendant(s) named in the application be served by posting a copy of the summons and complaint on the premises in the manner most likely to give actual notice to the defendant(s), and by immediately mailing, by certified mail, a copy of the summons and complaint to each of the defendant(s) at his or her last known address.

Date: _____

Judge of the Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL
REQUEST TO VACATE CIVIL ASSESSMENT (PC1214.1(b))

Defendant's Name: _____ Case Number: _____

You have failed to pay your fine. This Court will order you to pay a civil assessment of \$300.00 in addition to your original fine unless good cause is shown for your failure to pay. If you have good cause to excuse your failure to pay, complete the information below. Written proof of any of the following must be attached and cover the time period in question.

☐ Hospitalization ☐ Incarceration ☐ Overseas Military Duty ☐ Other

The following is an explanation for my failure to pay or appear:

In addition, proof that the original fine balance is paid in full must be attached to this request.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed at _____ (city), California on _____ (date)

Name (print) _____ Area Code/Telephone # _____

Address, City, State, Zip _____

Signature of Defendant: _____

☐ Staff review: _____ Date: _____

ORDER RE: VACATING CIVIL ASSESSMENT (COURT USE ONLY)

The Court having read and considered the Petition and evidence regarding vacating the Civil Assessment pursuant to PC 1214.1(B), hereby makes the following order. Judgment on the charge(s) will not be set aside.

Request to vacate is: ☐ Granted ☐ Denied

Signature of Judicial Officer

Date

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL**

**REQUEST FOR INCREASE/DECREASE IN BAIL
Penal Code §1269c**

Date: _____ **Booking/Case No.:** _____

Name of Defendant: _____

Booking Charges: _____

Bail Pursuant to Bail Schedule: \$ _____ **Bail Requested: \$** _____

[] Pursuant to Penal Code section 1275, arresting officer requests arrestee not to be released on bail until appearing in court to show the non-felonious source of any bail money.

I request an [] increase in bail [] decrease in bail [] O.R. for the following reasons:

Time of this Request: _____ **Time of Booking:** _____

Name and ID Number of Requesting Person _____ **Agency:** _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____
Signature of Person Making Request

Request for Change in Bail: **Approved:** _____ **Denied:** _____

Request for PC1275: **Approved:** _____ **Denied:** _____

Bail Set At: \$ _____ Time: _____

Manner of Request: [] Phone [] In Person Name of Magistrate: _____

Name of Person Receiving Authorization from Magistrate: _____

Signature of [] Magistrate or [] Person Receiving Authorization from Magistrate

I certify that the defendant referenced herein has been booked into the Imperial County Jail on the charges noted above.

Date: _____ Time: _____

(Name of Sheriff's Employee Receiving Request)

SUPERIOR COURT, COUNTY OF IMPERIAL

CASE NO. _____

☐ BRAWLEY ☐ CALEXICO ☐ EL CENTRO V/P ☐ WINTERHAVEN

DEFENDANT: _____ DATE: _____

VIOLATIONS: _____, _____, _____, _____

COURT APPEARANCE DATE:

☐ ARRAIGNMENT ☐ COURT TRIAL ☐ TRIAL BY DECLARATION ☐ BAIL POSTED

☐ REVIEW: PAYMENT ☐ REVIEW: COMMUNITY WORK SERVICE

PLEA:

☐ FINDING ☐ GUILTY ☐ NOT GUILTY ☐ NOLO CONTENDERE

COURT ORDER:

☐ FINE _____ OR WITH PROOF OF CORRECTION _____ TOTAL: _____

DUE BY _____, OR \$ _____/MO. STARTING _____

☐ TRAFFIC SCHOOL GRANTED _____ + ☐ FEE _____ TOTAL: _____

☐ COMMUNITY SERVICE _____ HOURS ☐ SUBMIT PROOF OF COMPLETION BY: _____

☐ COURT TRIAL ☐ TRIAL BY DECLARATION/RETURN INFORMATION TO COURT BY: _____

☐ CASE/COUNT(S) DISMISSED: _____ ☐ BAIL REFUND: _____

☐ CASE TAKEN UNDER SUBMISSION

☐ ATTORNEY: _____ ☐ WINDOW ARRAIGNMENT

I PROMISE TO APPEAR AT THE ABOVE DATE AND TIME/PAY

Defendant

Address: _____

_____, Deputy Clerk Interpreter: _____

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF
IMPERIAL DEPARTMENT**

People vs. _____ Case No. _____ Date: _____

ORDER GRANTING PROBATION

The above named defendant having been convicted of a misdemeanor(s), in violation of section(s) _____ of the _____ code. **DEFENDANT SENTENCED TO _____ COUNTY JAIL, EXECUTION OF SENTENCE SUSPENDED; IMPOSITION OF SENTENCE SUSPENDED;** And the defendant is placed on Summary/Formal Probation for the period of _____, on the following terms and conditions:

ALL CASES: Defendant shall obey all FEDERAL, STATE, COUNTY, AND CITY LAWS;

DUI and Suspended/Revoked Licenses:

____ Defendant shall not drive a motor vehicle without a valid driver's license in possession.

____ Defendant shall not drive a motor vehicle unless covered by insurance for public safety.

____ Defendant shall not drive a motor vehicle with any detectable amount of alcohol in his/her system.

____ Defendant shall enroll in and complete _____ Alcohol Safety Class _____ Educational portion only _____ SB38 program. Within _____ days.

____ Shall submit to blood or breath test upon request of Peace Officer to determine alcohol content in system while driving.

____ Shall submit to field sobriety test if operating a motor vehicle, upon request of Peace Officer.

Drug Related Case:

____ Defendant shall not take any form of controlled drugs or narcotics unless prescribed by a person licensed to prescribe them by the State of California.

____ Defendant must submit his/her person, vehicle, and place of residence to a search for and or seizure of narcotics, drugs, or other contraband at any time of the day or night, with or without a search warrant.

____ Defendant shall register as a narcotics offender pursuant to 11590 H&S.

____ Shall submit to blood, breath or urine test upon request of Peace Officer, to determine whether or not he/she has drugs or narcotics in his/her system.

____ Defendant shall not be in possession of any restricted drugs and or paraphernalia.

____ Defendant shall not associate with any known drug users or sellers.

Custody:

____ Defendant shall be imprisoned in the County Jail or CALTRANS for _____ with credit of _____ Commencing on _____

____ Defendant shall serve _____ months in a residential treatment program at _____.

____ Defendant shall not receive any custody credits for any time spent in the residential treatment program should he/she leave the program or be terminated from the program before the program has been completed.

____ Defendant report to Probation Dept. by _____, shall perform _____ hours/days of community work service as directed by Probation Dept.

____ Defendant report to Probation Dept. by _____, to enroll and perform _____ days of CALTRANS.

____ Review of community service/CALTRANS set for _____ in Dept. _____ at _____ Defendant must submit written progress/proof of completion to the Court.

Fine:

____ Defendant shall pay a fine including penalty assessments in the amount of \$ _____ plus

State restitution in the amount of \$ _____ Plus administrative fee in the amount of \$ _____, plus attorney fees in the amount of \$ _____, for a total including all fees, fines and assessments of \$ _____ payable in monthly payments of \$ _____, due by the _____ day of the month, commencing _____ and each month thereafter until paid in full.

FINE TO BE PAID IN FULL BY _____

____ With proof of a valid driver's license, the fine will be reduced to \$ _____ Proof must be submitted on or before _____

____ Pursuant to PC1202.44/PC1202.45, defendant shall pay \$ _____ probation revocation fine. This fine is stayed, to be imposed upon a revocation of Probation.

Pay fines to: _____ Superior Court
220 Main Street
Brawley, CA 92227

____ Superior Court
415 4th Street
Calexico, CA 92231

____ Superior Court
939 Main Street
El Centro, CA 92243

Miscellaneous:

____ Defendant shall stay away from _____

____ Defendant shall not annoy threaten, harass, or molest _____

____ Defendant shall not own, or have possession of, custody of, or control of a firearm.

____ Protective Order in Criminal proceedings pursuant to PC136.2 has been issued.

Other: _____

Signed _____ Judge _____

Address _____ DOB _____ Dr. Lic., # _____

Clerk _____ Interpreter _____

Form approved for mandatory use

CR-03 (Adopted 1/1/09)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL**

THE PEOPLE OF THE STATE OF)
CALIFORNIA)

vs)

Case No.)

BAIL AUTHORIZATION)

_____)
Defendant.

I, _____, hereby authorize the
Imperial County Superior Court _____, to apply
Bail posted by me for _____, as
Payment of fine.

BAIL POSTED	\$_____.
FINE	\$_____.
REFUND	\$_____.

(Signature)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

People vs. _____ Case No. _____ Date: _____

DOMESTIC VIOLENCE SENTENCING ORDER AND/OR GRANT OF PROBATION

The above named defendant having been convicted of a violation of section(s) _____ of the _____ code. **DEFENDANT SENTENCED TO _____ COUNTY JAIL, EXECUTION OF SENTENCE SUSPENDED; IMPOSITION OF SENTENCE SUSPENDED;** And the defendant is placed on _____ Summary _____ Formal Probation for a period of _____ *three* _____ *five* years on the following terms and conditions:

_____ Defendant shall obey all FEDERAL, STATE, COUNTY, AND CITY LAWS;

COUNSELING: Defendant will participate in counseling as follows:

_____ Anger Management for _____ months. _____ Certified program. _____ Non certified program.

_____ Alcoholic Anonymous for _____ months. _____ Narcotics Anonymous for _____ months.

_____ Parenting Classes for _____ months through _____.

Defendant must provide proof at the initial review date of having enrolled in counseling within _____ days of this order. The initial review date is set for _____ at 8:30 a.m. After the initial review date, the defendant must provide proof of having attended counseling as ordered, not less than once each week between review dates. "Proof" as required by this paragraph, means a written document showing: 1) the date of enrollment 2) the dates of each session attended 3) the name and address of the agency or entity providing the counseling, and 4) the signature of an authorized agent or representative of the agency or entity providing the counseling.

FINE: Defendant shall pay the following fines:

Domestic victims of violent crimes fund _____ \$400.00 _____ Restitution Fine \$100.00 Terms of payment: _____ Fine to be paid in full by _____ Fine due within _____ days. _____ Fine due immediately. _____ Payable in installments of \$ _____ commencing _____ and continuing monthly until paid in full.

_____ Pursuant to PC1202.44/PC1202.45, defendant shall pay \$ _____ probation revocation fine. This fine is stayed, to be imposed upon a revocation of Probation.

Fines are payable at any of the following locations:

_____ Superior Court 220 Main Street, Brawley, CA 92227

_____ Superior Court 415 4th Street, Calexico, CA 92231

_____ Superior Court 939 Main Street, El Centro, CA 92243

_____ Superior Court 1625 W. Main Street, El Centro, CA 92243

_____ Superior Court 2124 Winterhaven Drive, Winterhaven, CA 92283

_____ Probation Department. 324 Applestill Road, El Centro, CA 92243

COMMUNITY SERVICE:

_____ Defendant shall serve _____ hours of community service through _____ Probation Department located at 324 Applestill Road, El Centro, CA. Report to Probation by not later than _____ on _____

Other _____. Community Service must be completed by _____

IMPRISONMENT:

_____ Defendant shall serve _____ days in custody at the Imperial County jail commencing on _____ and receive credit for time served _____ days actual, _____ behavioral credits for a total of _____ days served.

_____ Defendant shall serve _____ weekends at the Imperial County jail commencing on _____. Weekends shall be served Consecutively unless otherwise ordered by the court. Defendant _____ shall pay _____ shall not pay \$100.00 to the Imperial County jail upon surrendering.

_____ Defendant shall report to the Imperial County Jail located at 328 Applestill Road, El Centro, CA on _____ before 7:00 p.m., sober and with picture identification such as a driver's license, immigration card, passport, etc.

_____ Defendant shall serve _____ days of Cal Trans. To be completed by _____. Defendant shall report to the Probation Department located at 324 Applestill Road, El Centro, CA no later than _____ to arrange to serve the time provided by this order.

FIREARMS:

_____ Defendant shall not own or possess any firearms for a period of 10 years.

RESTRAINING ORDERS:

_____ Defendant shall not stalk, annoy, harass, threaten, molest or abuse _____

_____ Defendant shall stay away from and not contact _____

OTHER: _____

Signed _____ Judge _____

Address _____ DOB _____

Clerk _____

Dr. Lic., # _____ Interpreter _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

People v. _____ Case No. _____

Advisement of Rights, Waiver, and Plea Form

First Offense Only - Vehicle Code §23152

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐
2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer) ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s):

3. **23152(a)** – Driving under the influence of alcohol or drugs, or both ☐
4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐
5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions ☐

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

6. **RIGHT TO A JURY TRIAL** – I understand that I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. ☐
7. I give up my right to a jury trial ☐
8. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me ☐
9. I give up my right to confront and cross-examine witnesses ☐
10. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself ☐
11. I give up my right to remain silent and to not incriminate myself ☐
12. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me ☐
13. I give up my right to produce evidence and witnesses in my own behalf ☐

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

14. I understand that if I am not a citizen, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal benefits ☐
15. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit ☐

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)		
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years	Two options, both requiring attendance at an alcohol/drug program, a fine of \$390 to \$1,000, plus either: (A) 48 hours to 6 months in jail; <i>or</i> (B) A 90-day license restriction allowing driving for work and alcohol/drug program only. Under either option, the Court <i>may</i> also suspend my license for 6 months.	96 hours to 6 month in jail; \$390 to \$1,000 fine, and a 6-month license suspension.
Second offense within 10 years	Two options, both carrying a fine of \$390 to \$1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; <i>or</i> (B) 48 continuous hours to 1 year in jail. an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, \$390 to \$1,000 fine, and an 18-month license suspension.
Sentences for Reckless Driving (§23103 under §23103.5)		
Nature of offense	Minimum and maximum sentences	Other
Reckless driving reduced from driving under the influence	If probation is <i>not</i> granted: 5 days to 90 days in jail, <i>or</i> 45 to \$1,000, <i>or</i> both. If probation <i>is</i> granted: a maximum of 90 days in jail, <i>or</i> \$1,000 fine, <i>or</i> both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.

Case No. _____

16. I have read and understood the above chart which lists the minimum and maximum sentences for the offense(s) I am charged with ☐
17. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** which will **significantly increase the amount I must pay**. I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency which responded to any incident caused by my vehicle at the time of my arrest ☐
18. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on a **freeway**, or **20** or more miles above the speed limit on any other **street or highway**, the Court may impose an **additional consecutive term of 60 days in the county jail**. If this is my **first** offense, the Court may also order me to complete an alcohol/drug counseling program ☐
19. **If applicable** – I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended for one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive ☐
20. **If applicable** – I understand that if I am convicted of a first violation of Vehicle Code §23152, and the offense occurred in a vehicle which requires a **class 1 or class 2** (or **class A or class B**) driver's license, my license shall be **suspended for six months** even if probation is granted ☐
21. **If applicable** – I understand that if my blood-alcohol content was **.20 percent or above**, or if I **refused** to submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, whether to grant probation, or whether to impose additional terms and conditions of probation ☐
22. I understand that if I am convicted of a first violation of Vehicle Code §23152, the Court may order my vehicle **impounded** at my expense for up to **30 days** ☐
23. I understand that the Department of Motor Vehicles (DMV) may restrict, suspend, or revoke my license under an administrative procedure which is separate from this criminal action. If such a procedure is used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be **in addition** to the Court's sentence and that I must obey it ☐
24. I understand that the DMV will not issue a restricted license or restore my driving privilege following a restriction suspension, or revocation unless I have **proof of successful completion of a licensed driving-under-the-influence program, proof of valid insurance** and maintain it for **three years**. The DMV will **suspend** my license: **(1)** until proof of insurance is provided by my insurance company to the DMV, **(2)** upon my failure to maintain such proof during the three-year period and **(3)** the DUI program provide the completion certificate to DMV ☐

25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving which are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s)..... ☐
26. I understand that any plea entered in this case may be grounds for **revoking probation or parole** which has been previously imposed on me in any other case..... ☐
27. I understand the charge(s) against me, and the possible plea(s) and defenses..... ☐
28. I am advised and understand that being under the **influence of alcohol or drugs, or both**, impairs your ability to safely operate a motor vehicle. Therefore, it is **extremely dangerous** to human life to **drive** while under the **influence of alcohol or drugs, or both**. If I **continue** to drive while under the influence of alcohol or drugs, or both and, as a result of that driving, someone is killed, I can be charged with **murder**..... ☐

PLEA(S)

29. I hereby freely and voluntarily plead _____ to _____
(guilty or no contest) ☐

(list charge (s))
30. I understand that I have the right to wait from **six hours to five days** prior to being sentenced. I give up this right and agree to be sentenced at this time ☐
31. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced _____
Temporary Judge ☐

Date **Defendant's Signature**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____
Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____
Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____
Judge of the Superior Court

SIGNED: _____
Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

People v. _____ **Case No.** _____

Advisement of Rights, Waiver, and Plea Form

Vehicle Code §23152

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐
2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer)..... ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s):

3. **23152(a)** – Driving under the influence of alcohol or drugs, or both ☐
4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐
5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions ☐
6. **Check if applicable – 14601** _____ **or 14601.1** _____ **or 14601.2** _____
Driving in knowing violation of a license suspension, revocation, or restriction ☐
7. **If applicable – Other charges** (including non-Vehicle Code sections) – I understand that I am also charged with the following other offense(s): ☐

Type of offense(s) and Section Number(s)

8. **If applicable** – I am also charged with having the following **other conviction(s)** ☐

List Offense(s), Case Number(s) and Date(s)

9. **If applicable** – I am also charged with violating the **probation** imposed on me in the following case(s): ☐

Case Number(s) and Date(s)

10. I understand the charge(s) against me, and the possible pleas and defenses ☐

CONSTITUTIONAL RIGHTS

11. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt ☐
12. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me ☐
13. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating ☐
14. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to ☐

See reverse side

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

15. **If applicable** – I understand that I have the right to a lawyer, the right to a jury trial, the right to confront witnesses, the right to against self-incrimination, and the right to produce evidence and witnesses for **all** of the charges against me, including any other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial although I do have the right to a hearing before a judge

☐**WAIVER OF RIGHTS**

16. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer
17. I give up my right to a jury trial
18. I give up my right to confront and cross-examine witnesses
19. I give up my right to remain silent and to not incriminate myself
20. I give up my right to produce evidence and witnesses in my own behalf

☐☐☐☐**CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST**

21. I understand that if I am **not a citizen**, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal
- 21.a I understand that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder
22. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony
23. I understand that my plea entered in this case may be grounds for **revoking probation** or **parole** that has been previously imposed on me in any other case
24. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** that will **significantly increase the amount I must pay**. I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency that responded to any incident caused by my vehicle at the time of my arrest
25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s)
26. **If applicable** – I understand that if my blood-alcohol content was **20 percent** or above, or if I **refused to** submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, to grant probation, or to impose additional terms and conditions of probation
27. **If applicable**- I understand that if I am convicted of Vehicle Code **§23152**, and I am the **registered owner** of the vehicle used in the offense:
- A. The Court shall **impound** my vehicle at my expense for up to 90 days, unless it determines that it is in the interests of justice not to do so; **and**
- B. The Court may declare my vehicle to be a **nuisance** and order it **sold** following a hearing if I have **two or more** other convictions of driving under the influence (Vehicle Codes §§23152 or 23153), or vehicular manslaughter (Penal Code §§191.5 or 192(c)(3)), or any combination thereof, in the past ten years

☐☐☐☐☐☐☐☐☐

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)		
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years (See Nos. 27-31)	Two options, both requiring attendance at an alcohol/drug program, a fine of \$390 to \$1,000, plus either: (A) 48 hours to 6 months in jail; or (B) A 90-day license restriction allowing driving for work and alcohol/drug program only Under either option, the Court <i>may</i> also suspend my license for 6 months.	96 hours to 6 month in jail; \$390 to \$1,000 fine, and a 6-month license suspension.
Second offense within 10 years (See Nos. 27-31)	Two options, both carrying a fine of \$390 to \$1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; or (B) 48 continuous hours to 1 year in jail, an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, \$390 to \$1,000 fine, and an 18-month license suspension .
Third Offense within 10 years (See Nos. 27-32, 32.)	If probation is <i>not</i> granted: 5 days to 90 days in jail, or 45 to \$1,000 If probation <i>is</i> granted: a maximum of 90 days in jail or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within seven years.
Fourth or subsequent offense within 10 years (See Nos. 27-30, 32.)	180 days to 1 year in jail, \$390 to \$1,000 fine, a 4-year license revocation, and offense within 10 years an 18-month alcohol/drug program if I have not completed one before.	16 months, or 2 or 3 years in state prison, or 180 days to 1 year in county jail; \$390 to \$1,000 fine, and a 4-year license revocation .

Case No. _____

ADDITIONAL PENALTIES FOR A VIOLATION OF §23152

28. I understand that the DMV may restrict, suspend, or revoke my license under an administrative procedure that is separate from this criminal action. If such a procedure used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be **in addition** to the Court's sentence and that I must obey it ☐
29. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s) ☐
30. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on a **freeway**, or **20** or more miles above the limit on any other **street or highway**, the Court may impose an **additional consecutive term of 60 days in the county jail**. If this is my **first** offense, the Court may also order me to complete an alcohol/drug and counseling program ☐
31. **If applicable-** I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended** for **one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive ☐

FIRST OR SECOND VIOLATION OF §23152

32. **If applicable** – I understand that if the offense occurred in a vehicle that requires a **class 1 or class 2** (or **Class A** or **Class B**) driver's license, my license **shall be suspended** for **six months** upon a **first** conviction, or for **18 months** upon a **second** conviction, even if probation is granted ☐

THIRD OR SUBSEQUENT VIOLATIONS OF §23152

33. **If applicable** – I understand that if I am convicted of a **third or subsequent** violation of Vehicle Code §23152:
- A. I must surrender my license to the Court. I will also be designated as a **habitual traffic offender** for a period of **three years** after my conviction, and I will receive an enhanced jail term and fine if I drive in violation of my license revocation ☐
- B. I must successfully complete an alcohol/drug program in order to be eligible for a driver's license following my license revocation ☐
- C. **If probation** is granted, I may request to participate in a **30-month treatment program**. This program includes a total of between 120 and 300 hours of community service. If the Court grants my request, I will be sentenced to the county jail for **at least 30 days but not more than one year** as a condition of probation instead of the jail term specified in the above chart ☐

See reverse side

Sentences for Reckless Driving (Section 23103 under Section 23105.5)

<i>Nature of offense</i>	<i>Minimum and maximum sentences</i>	<i>Other</i>
Reckless driving reduced from driving under the influence	If probation is not granted: 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both. If probation is granted: a maximum of 90 days in jail, or \$1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years

Sentences for Driving with a Suspended, Revoked, or Restricted License (Sections 14601.1, or 14601.2)

Offense	<i>First offense within 5 years</i>	<i>Second or subsequent offenses: Prior conviction(s) in past 5 years of Sections 14601, 14601.1, 14601.2</i>
Vehicle Code Section 14601	5 days to 6 months in jail, and a fine of \$300 to \$1,000	10 days to 1 year in jail, and a fine of \$500 to \$2,000.
Vehicle Code Section 14601.1	Up to 6 months in jail, or a fine of \$300 to \$1,000, or both.	5 days to 1 year in jail, and a fine of \$500 to \$2,000
Vehicle Code Section 14601.2	10 days to 6 month in jail, or a fine of \$300 to \$1,000	If probation is <i>not</i> granted: 30 days to 1 year in jail, and a fine of \$500 to \$2,000. If probation <i>is</i> granted: a minimum of 10 to 30 days in jail, and \$500 to \$2,000 fine, depending on whether prior conviction was in past 7 or 5 years. (Note: a previous conviction under §14601.1 constitutes a prior conviction under this section only if that conviction occurred between 5 and 7 years ago.)

*If I have been designated as an **habitual traffic offender** within three years of this conviction, I will in addition be sentenced to serve **180 days in jail and pay a \$2,000 fine.**

Case No. _____

34. I have read and understood the applicable charts on pages 3 and 4 which list the minimum and maximum sentences for the offense(s) I am charged with. (See No. 35 for the offenses not listed in the charts)

☐

PENALTIES FOR OTHER CHARGES

35. **If applicable** – I understand that the **possible consequences** for the offense(s) charged that are **not listed** on the penalty charts on pages 3 and 4 include the following:

	Jail		Fine		
Section Number	Max.	Min.	Max.	Min.	
Other Consequences _____					

	Jail		Fine		
Section Number	Max.	Min.	Max.	Min.	
Other Consequences _____					

☐

PLEA(S)

36. I hereby freely and voluntarily plead _____ to _____
(guilty or no contest)

(list charge (s))

☐

37. **If applicable** - I freely and voluntarily admit the **other conviction(s)** I listed on this form. I understand that this admission will increase the penalties that are imposed on me.....

☐

38. **If applicable** - I freely and voluntarily admit the **probation violation(s)** listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

☐

39. I understand that I have the right to wait from **six hours to five days** prior to being sentenced. I give up this right and agree to be sentenced at this time.....

☐

40. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____

☐

Temporary Judge

Date
CR-07 Mandatory Use Adopted 01/01/09

Defendant's Signature

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____

Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____

Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____

Judge of the Superior Court

SIGNED: _____

Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

<p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p> <p style="text-align: right; margin-top: 20px;">Plaintiff,</p> <p style="text-align: center; margin-top: 100px;">vs.</p> <p style="text-align: right; margin-top: 20px;">Defendant</p>	
PLEA OF GUILTY/NO CONTEST – FELONY (PC 1016, 1016.5, 1017)	Case Number

1. I plead (GUILTY) (NO CONTEST) to the following violations: (List Crimes and Code Sections)

a. **(If applicable)** I also admit the following enhancement(s)/Prior conviction(s) (list court docket number and ate of any prior conviction).

2. No one has made any promises or representations in order to get me to enter into this plea, except: (Briefly state any agreement with the District Attorney.)

RIGHT TO A LAWYER

3. I understand that I have the right to be represented by a lawyer at all stages of the proceeding and that the Court will appoint a lawyer for me if I cannot afford one.

CONSTITUTIONAL RIGHTS

I understand that I also have the following constitutional rights, each of which I now give up to plead either GUILTY or NO CONTEST.

I understand this right

I give up this right

- | | | | |
|----|---|-------|-------|
| 4. | The right to be tried by a jury, in a speedy, public trial | _____ | _____ |
| 5. | The right to confront and to cross-examine witnesses against me. | _____ | _____ |
| 6. | The right to remain silent (unless I choose to testify on my own behalf). | _____ | _____ |
| 7. | The right to present evidence on my behalf and to have witnesses subpoenaed to testify in my behalf at no cost to me. | _____ | _____ |

CONSEQUENCES OF PLEADING GUILTY OR NO CONTEST

8. a) I understand that I may receive this maximum penalty as a result of my plea: _____ years in State Prison, \$ _____ fine and _____ years parole (4/7/life), with up to one year return to prison for every parole violation. If I am given probation, (for a period up to the maximum prison term), I understand that I may be given up to a year in local custody, plus the fine, and other conditions deemed reasonable by the court. If I violate any term or condition of probation, I can be sent to State Prison for the maximum term.
- b) I understand that I shall be required to pay a mandatory restitution fine of not less than \$200 and not more than \$10,000.
- c) I understand that I shall also have to pay a similar fine if I violate my parole.
- d) My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences)
- | | | |
|---------------------------------------|--|---|
| (1) consecutive sentences | (6) blood test and saliva sample | (11) ineligibility for probation/presumptive prison |
| (2) loss of driving privileges | (7) registration as a narcotics offender | (12) Attorney's fee/probation fees |
| (3) batterers treatment program | (8) AIDS education program | |
| (4) registration as an arson offender | (9) restitution | |
| (5) registration as a sex offender | (10) priorable | |

Other: _____

9. If I am not a citizen of the United States a plea of Guilty or No Contest could result in my being deported, excluded from admission to this country, and/or denied U.S. citizenship.
10. My plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases.
11. I understand that I have the right to appeal my adverse decision and I give up that right.
12. **(If applicable)** I understand that my conviction in this case will be a STRIKE resulting in a mandatory detail of probation and substantially increased penalties in any future felony case and/or reduction in good behavior and work time credits in this case.
13. I now plead GUILTY/NO CONTEST to the charge(s) described in #1 above and admit that on the date charged I: (Describe facts as to each charge in #1.)
- _____
- _____
- _____
- a. **(If applicable)** I understand that as to any and all prior convictions/enhancements alleged against me in this case, I have all the rights listed in #3-#7 above and give up those rights. As to any prior convictions alleged, I understand that if I request a jury trial on the current case the jury would neither learn of nor decide the prior conviction(s) unless and until the jury found me guilty on the current charges.
- b. **(If applicable)** I admit the prior conviction(s)/enhancement(s): listed in this form, and give up my constitutional rights, including the right to a separate jury determination on the issue of the prior conviction(s).
14. Unless previously agreed to as indicated in paragraph 2, I understand that the matter of probation and/or sentence will be determined solely by the Court.
15. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence.
16. **(Arbuckle Waiver)** I understand that I have the right to be sentenced by the same judge who accepts this plea. I waive the right, and agree that sentence may be imposed by the judge who accepted this plea or by a different judge.
17. I am entering my plea freely and voluntarily, without threat or coercion.
18. a) I am pleading Guilty because in truth and fact I AM GUILTY or to avoid the harsher consequences that could result if I am convicted at trial.
- b) I understand that a plea of No Contest is the same as a plea of Guilty in this criminal case and for all purposes has the same consequences as a plea of Guilty.

19. I have not consumed any drug, alcohol or narcotic within the past 24 hours and my judgment is not impaired. I understand fully and completely what I am doing, and have read this form or had it translated for me and understand what it means.
20. I understand that the Court is accepting this plea pursuant to the provisions of Penal Code § 1192.5. This means that the Court may change its mind about accepting this plea at any time prior to sentencing. If it does, I will be allowed to withdraw my plea, and my criminal case will resume where it was before I changed my plea or I can still change my plea to GUILTY or NO CONTEST and the Court will sentence me just as if I had been convicted after trial.
21. I declare under penalty of perjury, under the laws of the State of California, that I have read, understood, and initialed each item above, and everything on the form is true and correct.

Dated: _____ Defendant's Signature _____

Defendant's Address: _____ Defendant's Telephone No. _____

ATTORNEY STATEMENT

I am the attorney for the defendant in the above entitled case. I personally read and explained the contents of the above declaration to the defendant and each item thereof. I have discussed this case with my client, as well as his or her rights and the consequences of his/her plea. I believe that under the circumstances the entry of this plea is in the best interest of my client. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge the explanation of the contents of each. I observed the defendant date and sign the declaration and I concur in the defendant's and waiver of constitutional rights.

Dated: _____ Attorney for Defendant _____

INTERPRETER'S STATEMENT (If applicable)

I, the interpreter in this proceeding, having been duly sworn truly translated this form and all the questions therein to the defendant in the _____ Language. The defendant indicated understanding of the contents of the form and then initialed and signed this form.

Dated: _____ Court Interpreter _____

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff in the above entitled criminal case, by and through its attorney, concurs in the defendant's plea of Guilty/No Contest and (if applicable) joins in the sentence recommendation, as set forth above for the following reasons:

Dated: _____ Deputy District Attorney _____

COURT'S FINDINGS AND ORDER

The Court, having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant understands these rights and has voluntarily and intelligently waived these constitutional rights. The Court finds that the defendant's pleas and admissions are freely and voluntarily made, that the defendant understands the nature of the charges and the consequences of the plea, and that there is a factual or legal basis for the plea. The Court accepts the defendant's plea pursuant to the provisions of Penal Code section 1192.5, and the defendant is hereby convicted on the plea.

Dated: _____ Judge of the Superior Court _____

PLEA OF GUILTY FORM Misdemeanors

Defendant Name: _____ Case No. _____

PLEASE READ AND INITIAL

- _____ 1.(a) I personally appeared and entered a plea of (guilty)(no contest) to the charges of _____

_____ (b) (IF APPLICABLE:) I desire to admit the truth of any alleged prior convictions(s) _____

_____ 2. (a) My lawyer is _____
_____ (b) I do not have a lawyer representing me in these proceedings. **If 2b is initialed, complete the reverse page.**
_____ 3. The Court/my attorney has explained the nature of the charges, elements of the offense(s), and pleas and defenses
_____ available to me.
_____ 4. I have been advised, understand, and, knowingly and intelligently GIVE UP (WAIVE), in relation to the present charges
_____ as well as any prior convictions which may have been alleged and admitted, each of my following trial rights:
_____ (a) My right to be TRIED BY JURY or COURT TRIAL;
_____ (b) My right to be confronted by witnesses against me, that is, to SEE, HEAR, AND QUESTION ALL WITNESSE
_____ AGAINST ME; the right to CONFRONT WITNESSES.
_____ (c) My right not to incriminate myself, that is, NOT TO BE REQUIRED TO PLEAD GUILTY OR TESTIFY
_____ AGAINST MYSELF. My right to remain silent.
_____ (d) I AM ADVISED THAT IF I AM NOT A CITIZEN, CONVICTION OF THE OFFENSE(S) WITH WHICH I
_____ HAVE BEEN CHARGED, MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM
_____ ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF
_____ THE UNITED STATES.
_____ 5. (a) Maximum Penalty: _____
_____ (b) Subsequent arrest for petty theft may be filed as a felony.
_____ (c) My plea of guilty/no contest in this case could result in revocation of my probation or violation of parole in other
_____ cases.
_____ (d) Other consequences of my plea _____
_____ 6. My decision to enter this plea has been made freely and voluntarily, without fear of threat to me or to anyone closely
_____ related to or associated with me. No promises or inducements have been made to me in connection with this plea, except
_____ (specify): _____
_____ 7. I UNDERSTAND THAT A PLEA OF NO CONTEST IS THE SAME AS A PLEA OF GUILTY IN THIS CASE FOR
_____ PURPOSES OF SENTENCING.
_____ I HAVE READ AND UNDERSTAND EACH OF THE ABOVE ITEMS.

Dated: _____ Signature

Defendant

STATEMENT OF ATTORNEY

I am defendant's attorney of record. I have explained to the defendant each of his rights relating to his plea and I am satisfied that he understands them. I concur with his plea and waivers.

Dated _____ Signature

FINDINGS AND ORDER

The Court finds that:

1. Defendant has appeared in open court and entered his plea(s).
2. Defendant has knowingly, intelligently, and understandingly waived his rights, including his right to jury trial, his right to confront witnesses against him, and his right against self-incrimination as they relate to the charged offense and any prior convictions.
3. There is a factual/legal basis for the plea(s).
4. Defendant has been advised of the consequences of his plea, the effect of which any prior conviction(s) will have on the punishment, and other sanctions to be imposed upon his conviction.
5. Defendant's waivers of his rights and his plea(s) are free and voluntary.

IT IS ORDERED:

Defendant's plea(s) of (guilty)(no contest) be entered and filed.
The Court accepts defendant's admission of his prior(s).

Dated: _____ Signature

Judge of the Superior Court

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL**

**WAIVER OF RIGHT TO HAVE LAWYER
PLEASE READ AND INITIAL**

- _____ 1. I understand that I am charged in this case with having violated section _____, a misdemeanor.
- _____ 2. I understand that the possible consequences of a conviction of this include the following:
- _____ (a) Jail and/or fine: the judge may sentence me to serve a maximum of _____ in jail and
pay a _____ fine plus penalty.
- _____ (b) I will be required to register as a _____ offender pursuant to section _____.
- _____ (c) Other possible consequences: _____.
- _____ (d) Probation: The judge may require me to participate in educational and treatment programs. The judge
may place me on probation for up to three years, requiring me to comply with various terms and conditions
during that time.
- _____ 3. The court has explained the nature and elements of the offense(s) charged against me and the pleas and
defenses available to me.
- _____ 4. I UNDERSTAND MY CONSTITUTIONAL RIGHT TO HAVE A LAWYER DEFEND ME AT ALL
STAGES OF THE PROCEEDINGS AND THAT IF I AM UNABLE TO AFFORD A LAWYER, THE
COURT WILL APPOINT ONE FOR ME.
- _____ 5. Having in mind each of the above items, I knowingly and intelligently GIVE UP (WAIVE) my right to
have a LAWYER defend me in these proceedings and request that I be permitted to represent myself.

Dated: _____ Signature
Defendant

FINDINGS AND ORDER

The Court finds that:

Defendant understands the nature of the charge(s) against him, the elements of the offense(s), the pleas and defenses
available thereto, and the consequences of conviction thereof.

Defendant's waiver of his right to counsel is intelligently and understandingly made.

IT IS ORDERED THAT:

Defendant's waiver of his right to counsel be accepted and filed, and the defendant be permitted to represent himself.

Dated: _____ Signature
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

THE PEOPLE OF THE STATE OF)
CALIFORNIA)

vs)

Case No.)

**ORDER FOR OWN RECOGNIZANCE
RELEASE**)

Defendant.)

DEFENDANT BEING RELEASED ON HIS OWN RECOGNIZANCE, AGREES THAT
HE OR SHE:

- (1) Will appear at all times and places as ordered by the
Court on: _____.
- (2) Promises to obey all laws.
- (3) Agrees to waive extradition if he or she fails to appear
as required and is apprehended outside of the State of
California.
- (4) Any court of competent jurisdiction may revoke the order of
release and either return him/her to custody or require that
he/her give bail or other assurance of his/her appearance.

Dated: _____

By: _____
Defendant

Dated: _____

Judge of the Superior Court

Superior Court, County of Imperial

For Court Use Only

1625 Main Street
El Centro, CA 92243
www.imperial.courts.ca.gov
(760) 336-2200

People of the State of California,) Case No:
)
)
vs.) Bail Forfeiture &
) Request for Monthly Payments
)
Defendant,)

Name:
Address:
City/State/Zip:
Drivers License #:

Initial each line below that you are agreeing to:

- _____ I have read and give up those rights listed on the advisement below.
_____ I understand the bail amount for my citation is \$_____.
_____ My courtesy notice advised that I am eligible for traffic school and I request traffic school for an additional \$55.00. Traffic school document will be provided by the clerk.
_____ I wish to forfeit the bail amount by paying in monthly installments which is the equivalent of a conviction that will be placed on my driving record.

I, the undersigned, agree to make payments on this case (standard amount is \$50.00 per month). I promise to pay the fine of \$ _____ (including a \$35.00 administrative fee), ☐ traffic school \$55.00, totaling \$ _____. Payments are due on or before the _____ day of each month, starting, _____. Thereafter, I promise to pay the monthly payment on or before the due date until the remaining balance is paid in full.

Failure to pay the fine as indicated above may result in the following:

- A Civil Assessment in the amount of \$300.00 pursuant to Penal Code 1214.1 and
- VC40508.5 Civil Assessment is enforced as a civil judgment, including, but not limited to wage garnishments, tax intercepts and liens on property.
- DMV being notified pursuant to VC40509.5 immediately to suspend your driving privilege pursuant to VC13365 (a)(2). This suspension will not be lifted until all fines are paid in full.

Dated: _____ Signature: _____

PLEASE DATE, SIGN, AND MAIL ORIGINAL DOCUMENT TO COURT

Advisement of Rights

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested by not provided;
- To be represented by an attorney at your expense;
- To subpoena and present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Mediation Process

1. DISPUTED CHILD CUSTODY OR VISITATION

If you and the other party cannot agree upon the amount of time that the child will spend with each of you, California law requires you and the other party to participate in *mediation* concerning the disputed issues. Mediation is an informal process during which parties meet separately and together with a mediator trained to resolve custody and visitation disputes.

2. BEST INTERESTS OF THE CHILD

The Mediator is required to use his or her best efforts to help the parties reach an agreement that is in the *best interests of the child*. The *best interests of the child* is based on factors including the health, safety and welfare of the child, and history of abuse by one party, the nature and amount of contact with both parties, and the habitual use of alcohol or illegal drugs by either party.

3. HISTORY OF DOMESTIC VIOLENCE

Whenever there is a *history of domestic violence* between the parties, the mediator is required to meet with the parties separately.

4. REFERRAL TO MEDIATION/ISSUES TO BE DISCUSSED

Referral to mediation requires a *court order* made by a judge. The order may be made either before a court hearing or after. Issues mediated will be *strictly limited* to custody and visitation issues which have been presented to the court.

5. IF YOU REACH AN AGREEMENT

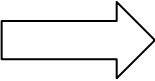


If the parties reach an agreement, the agreement will be put in writing and may be signed by the parties before they leave the meeting. The agreement can be made a court order at the next hearing before a judge.

6. LEGAL TERMS YOU WILL NEED TO UNDERSTAND

- *Joint Legal Custody*: Both parties share the right and the responsibility to make the decisions relating to the health, education and welfare of the child.
- *Sole Legal Custody*: One party has the right and responsibility to make decisions relating to the health, education and welfare of the child.
- *Joint Physical Custody*: Each of the parties has significant periods of physical custody, and the child is assured of frequent and continuing contact with both parties.
- *Sole Physical Custody*: A child resides with and is under the supervision of one party, subject to the power of the court to order visitation.

Mediation Process

Possible Custody Arrangements

1. JOINT LEGAL CUSTODY	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child AND 	JOINT PHYSICAL CUSTODY: Parties have significant periods of physical custody; child has frequent and continuing contact with both parties
2.	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child AND 	SOLE PHYSICAL CUSTODY TO ONE PARTY: Child resides with and is under supervision of one party, subject to other's visits.
3.	SOLE LEGAL CUSTODY TO ONE PARTY: One party has right/responsibility to make decisions AND 	SOLE PHYSICAL CUSTODY TO ONE PARTY: Child resides with and is under supervision of one party, subject to other's visits.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Proceso De Mediacion

1. CUSTODIA DE MENORES O VISITA DISPUTADAS

Si usted y la otra parte no logran acordar sobre la cantidad de tiempo que su hijo pasará con cada uno de ustedes, La Ley de California les requiere a usted y la otra parte que participen en *mediacion* referente a las cuestiones en disputa. La Mediacion es un procedimiento informal durante el cual las partes comparecen separados y conjuntamente con un mediador capacitado para resolver disputas de custodia o visita.

2. MEJORES INTERESES DEL MENOR

El Mediador esta requerido para usar su mejor esfuerzo para ayudar a que las partes alcancen un acuerdo conforme a los *mejores intereses del menor*. *Los mejores intereses del menor* estan basados en factores tales como salud, seguridad y bienestar del menor, cualquier historial de abuso por cualquiera de las partes, la naturaleza y cantidad de contacto con ambas partes, y el uso habitual de alcohol o drogas ilegales por cualquiera de las partes.

3. ANTECEDENTES DE VIOLENCIA DOMESTICA

Cuando sea que haya antecedentes de violencia domestica entre las partes, el mediador esta requerido para reunirse con las partes de forma separada.

4. REFERENTE A LA MEDIACION / CUESTIONES A DISCUTIR.

La referencia a la mediación requiere un mandato judicial hecho por un juez. La orden se puede hacer ya sea antes de de una audiencia ante el tribunal o después. Los asuntos mediados serán limitados estrictamente a asuntos de custodia y visita que han sido presentados al tribunal.

5. SI USTED LLEGA A UN ACUERDO

Si las partes llegan a un acuerdo, el acuerdo quedará asentado por esento y podrá ser firmado por las partes antes de retirarse de la reunion.

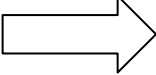
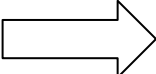
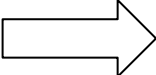
El acuerdo puede hacerse una orden de la Corte en la siguiente audiencia ante la presencia del juez.

TERMINOS LEGALES QUE USTED NECESITARA ENTENDER

- *Custodia Legal Conjunta:* Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.
- *Custodia Legal Unica:* una de las partes tiene el derecho y la responsabilidad para tomar las decisiones relacionadas con la salud, la educación y el bienestar del niño.
- *Custodia Fisica Conjunta:* Cada una de las partes tienen los periodos significativos de la custodia física, y el niño es asegurado del contacto frecuente y continuo de ambas partes.
- *Custodia Fisica Unica:* El niño reside con y está bajo la supervisión de una de las partes, sujeto al poder del tribunal para ordenar visita.

Proceso De Mediacion

ACUERDOS SOBRE CUSTODIA POSIBLES

<p>1. CUSTODIA CONJUNTA</p>	<p>CUSTODIA LEGAL CONJUNTA: Las partes comparten el derecho / responsabilidad para tomar las decisiones que relacionan a la salud, la educación y el bienestar de niño.</p> <p>Y </p>	<p>CUSTODIA FISICA CONJUNTA: Las partes tienen períodos significativos de la custodia física; el niño tiene asegurado el contacto frecuente y continuo con ambas partes.</p>
<p>2.</p>	<p>CUSTODIA LEGAL CONJUNTA: Las partes comparten el derecho / responsabilidad para tomar las decisiones que relacionan a la salud, la educación y el bienestar de niño.</p> <p>Y </p>	<p>CUSTODIA FISICA UNICA PARA UNA DE LAS PARTES: El niño reside con y esta bajo la supervisión de una de las partes, sujeto a visita de la otra parte.</p>
<p>3.</p>	<p>CUSTODIA LEGAL UNICA PARA UNA DE LAS PARTES: Una de las partes tiene el derecho / responsabilidad de tomar decisiones</p> <p>Y </p>	<p>CUSTODIA LEGAL UNICA PARA UNA DE LAS PARTES: El niño reside y esta bajo la supervision de uno de sus padres, sujeto a la visita del otro.</p>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
CASE MANAGEMENT QUESTIONNAIRE	CASE NUMBER:

1. In your opinion, how long will your trial take? _____ minutes

2. Number of witnesses _____

3. **In your opinion, what are the issues involved in your case?**

(Please identify all issues in your case by putting an X by the issue that applies to you.)

☐ Custody/Visitation

☐ Child Support

☐ Spousal Support

☐ Property Characterization

☐ Property Valuation

☐ Property Valuation

☐ Date of Separation

☐ Property Division

☐ Attorney's Fees & Costs

☐ Division of Debt

☐ Set-Aside

☐ Arrearages

☐ Contempt

☐ Reimbursement

Other: _____

Dated: _____

☐ Petitioner

☐ Respondent

INSTRUCTIONS:

This form must be filed and served at least 15 calendar days before the Case Management Conference. If you are representing yourself, you must have someone over the age of 18, other than yourself; mail a completed copy of this form to the opposing attorney or party at least 15 days before the Case Management Conference. A Proof of Service form should be attached to the original form that is filed with the court. PLEASE BE SURE AND BRING A COPY OF THE COMPLETED FORM AND PROOF OF SERVICE WITH YOU TO THE CASE MANAGEMENT CONFERENCE.

Name of Self-Represented Party or Attorney Address: Telephone: Attorney for: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street, El Centro, CA. 92243	
In re the Marriage of: Petitioner: and Respondent:	
MANDATORY SETTLEMENT CONFERENCE STATEMENT	Case No.:

Date:
Time:
Dept.:
Judge:

I. MEET AND CONFER STATEMENT:

- A. Date of Conference:
- B. In Person/By Phone:
- C. Issues Settled Are: (Be Specific)
 - 1.
 - 2.
 - 3.
- D. Issues to be Litigated Are: (Be Specific)
 - 1.
 - 2.
 - 3.
- E. If the parties failed to meet and confer, explain reasons in detail:

II. STATISTICAL DATA:

- A. For Dissolution of Marriage or Domestic Partnership/Legal Separation/Annulment ONLY:
 - 1. Date of Marriage or Registration: _____.
 - Date of Separation: _____.
 - 2. If marital status already terminated, date of termination: _____.

Case No.: _____

MANDATORY SETTLEMENT CONFERENCE STATEMENT

- B. Petitioner's Age: (), Occupation: _____
- C. Petitioner's Gross Monthly Income: \$ _____
- D. Respondent's Age: (), Occupation: _____
- E. Respondent's Gross Monthly Income: \$ _____
- F. Minor Children of this Relationship: _____

Name	Birthdate	Age	Gender	Residing With

To list any other minor children, attach form MC-020 or attach a sheet of paper and write Additional Minor Children with name and date of birth of each child. Check here if you attach another page ☐

III. HISTORY OF PROCEEDINGS: (Summarize All Prior Court Proceedings)

DATE	EVENT

IV. ATTACHMENTS AND EXHIBITS:

- A. Where issues include division of assets and debts, counsel/parties shall attach completed:
☐ Community, ☐ Quasi-Community and/or ☐ Separate Property Declarations.
- B. Other relevant attachments may be included.

Dated: _____

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
ADVANCE MEDIATION FORM	CASE NUMBER: _____

1. Provide any of the following case numbers:

- ☐ Family Law: _____ ☐ Family Support: _____
☐ Domestic Violence: _____ ☐ Uniform Parentage Action: _____

2. A Controversy exists between the above named parties concerning (check all that apply and provide a brief explanation): ☐ Custody ☐ Visitation ☐ Other

3. Date of last Mediation Report: ____/____/____.

4. Do you have a current Domestic Violence Restraining Order?

- ☐ Yes (If yes, attach copy)
☐ No

5. Notice of Mediation Appointment:

Date: _____ Time: _____

Superior Court, Access Center
 939 Main Street, Lower Level, El Centro, CA

Please provide the following information. (Post Office Box if Domestic Violence is an issue.)

PETITIONER'S INFORMATION:

RESPONDENT'S INFORMATION:

Name:	
Mailing Address:	
City State/Zip:	
Home Phone:	Work Phone:
Relationship to child:	
Language:	
Attorney:	

Name:	
Mailing Address:	
City State/Zip:	
Home Phone:	Work Phone:
Relationship to child:	
Language:	
Attorney:	

6. Any information I have provided above and any attachment to this request is furnished in good faith in the hope of settling the controversy. I declare under penalty of perjury that the foregoing is true and correct.

PETITIONER SIGNATURE AND DATE

RESPONDENT- SIGNATURE AND DATE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
DECLARATION REGARDING EX PARTE NOTICE	CASE NUMBER:

Opposing party (or attorney if represented):

- a. Name: _____
- b. Address: _____
- c. Phone Number: _____

DECLARATION REGARDING NOTICE

- The undersigned ☐ **has** ☐ **has not** made any prior applications on the same issue in this case or another case.
- If there has been another case, fill in the County in which the case is pending:
County: _____ Case number: _____.
- This order ☐ **will** ☐ **will not** result in a change of the status quo.
- I have given notice of the ex parte application to the other party/attorney by the following method at least by 10:00 a.m. the previous day set for the hearing:

By: ☐ Personal Delivery ☐ Fax with confirmation of receipt
☐ First Class Mail ☐ Telephone
☐ Other (explain): _____

Date and time I gave notice _____
 (Date) (Time)

- The other party or their attorney ☐ has or ☐ has not confirmed receipt of the motion (state details)

DECLARATION REGARDING EX PARTE NOTICE

PETITIONER:	CASE NUMBER:
RESPONDENT:	

6. ☐ I gave notice that I would present this application for these orders on _____ at _____ am/pm in Department _____ of the Superior Court, 939 Main Street, El Centro, CA.

7. ☐ I anticipate the other party will oppose this application. ☐ I do not anticipate the other party will oppose this application.

8. If this is not an application under the Domestic Violence Protection Act, **I have not given notice** to the other party or attorney for the following reasons (See Local Rule 5.1(e)):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Signature of Declarant

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER: ATTORNEY FOR (NAME):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
APPLICATION REGARDING EX PARTE REQUEST	CASE NUMBER:

REASONS FOR EX PARTE RELIEF

You must specify why this request cannot be heard on the court's regular motion calendar. Only include factual information within your personal knowledge, and not conclusions, feelings or fears. **(IF CUSTODY OR VISITATION IS AT ISSUE, YOU MUST CLEARLY SHOW WHY THERE IS A RISK OF IMMEDIATE HARM TO YOUR CHILD OR CHILDREN, OR WHY THERE IS AN IMMEDIATE RISK THAT YOUR CHILD WILL BE REMOVED FROM CALIFORNIA.)**

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at _____, California.

Date: _____ Signature: _____

Print Name: _____

Please submit your **proposed order** as an attachment to this declaration in clear handwritten or typewritten form.

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the declarant above this Declaration for Ex Parte Hearing. The declarant above has expressly indicated that he or she understood this document before signing it.

Date: _____

Signature: _____

Print Name: _____

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL**

EX PARTE APPLICATIONS – FAMILY LAW (\$1.00)

1. **WHAT IS AN EX PARTE APPLICATION?** A request for an “ex parte” order is made by submitting papers asking the judge to make orders without giving the other party the usual amount of notice. For example, applications for court orders are made by giving the other party at least 16 court days’ notice. However, if you need to have your hearing earlier than 16 court days before the hearing, you may ask the court for an ex parte order to shorten the time for service and filing.
2. **IS AN EX PARTE APPLICATION REQUIRED FOR MY ISSUE?** There is no need for an ex parte application for: Written stipulations; Default judgments; Joint requests for advanced mediation-Local Form (FL-05); Wage and earnings assignment order-Judicial Council Form (FL-435); Restoration of former name after judgment or Order for Publication or posting. Submit these documents to the family law filing clerk for judicial officer signature.
3. **EX PARTE APPLICATIONS FOR CHILD CUSTODY AND CHILD VISITATION ARE STRONGLY DISFAVORED**
 - Ex parte applications regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California. Family Code § 3064(a).
 - “Immediate harm to the child” includes, but is not limited to, having a parent who has committed recent domestic violence, or domestic violence that is part of a continuing pattern, and sexual abuse of the child, where the acts of sexual abuse are recent, or are part of a continuing pattern of sexual abuse. Family Code § 3064(b)
 - Ex parte applications to change a child’s vacation, school or holiday schedule are disfavored. If you have a need for the court to hear such a matter, the court may make an order shortening time and notice for the matter to be heard.
4. **IF I WANT TO MAKE AN EX PARTE APPLICATION, WHAT PAPERS DO I NEED TO FILE?** Fill out and file: a) Local Form FL-06(A) Declaration re: Ex Parte Notice, and b) Local Form FL-06(B) Application in Support of Ex Parte Request, and c) Local Form GN-01 Request for Hearing. Local Form FL-06(A) Declaration re: Ex Parte Notice tells the court that you have given the other party the required notice of the fact that you are seeking an ex parte application, or the reasons you are excused from doing so.
5. **HOW DO I GIVE NOTICE?** Before 10:00 a.m. on the court day before the hearing, the party asking for an ex parte order must:
 - Notify all other parties or attorneys of the nature of the relief sought, and the date, time and place for the presentation of the application, and
 - Try to determine whether the opposing party will appear to oppose the application. (CRC 3.1202)
 - Notice can only be waived if it would cancel out the benefit of the requested relief or frustrate the purpose of the proposed order, or if the applicant would suffer immediate and irreparable injury before notice could be given. Notice may be excused if following a good faith attempt, the giving of notice is not possible.
 - Even if you have not given notice by 10:00 a.m. the court day before the ex parte appearance, the clerk must not reject the ex parte application for filing and must present it to the appropriate judicial officer for consideration. (CRC 3.1205)

EX PARTE APPLICATIONS – FAMILY LAW

6. **HOW DO I TELL THE COURT WHAT I WANT?** Use Local Form FL-06(B) Application in Support of Ex Parte Request to state the facts that support your request for relief. Include:
 - Whether the order you are seeking will result in a change of the status quo. If you do not tell the court this information, you could be ordered to pay attorney's fees or costs incurred to return to the status quo.
 - Facts within your own personal knowledge, rather than your personal feelings and fears.
 - The reason the request cannot be heard on the court's regular law and motion calendar.
7. **WHAT HAPPENS NEXT?** Make an extra copy of your forms and take them to the family law filing clerk with a proposed order. Ex parte hearings are held at 1:30 p.m. in Department 3. The clerk will take your papers and the file to the judicial officer to review prior to the date and time of your previously scheduled ex parte hearing. At the ex parte hearing, the court may decide whether or not to grant relief based only on the pleadings, without listening to oral argument or testimony. Take a proposed order to Court.
8. **GIVE A COPY OF YOUR PAPERS TO THE OTHER PARTY.** Parties appearing at the ex parte hearing must serve the application or written opposition on all other appearing parties at the first reasonable opportunity.
9. **COME TO THE EX PARTE HEARING.** You must appear in person at the ex parte hearing unless you have a stipulation for an order or other circumstances set forth in CRC 3.1207.
10. **ORDER AFTER HEARING:** If the court signs the order, a copy of it must be served on the other party within 24 hours by the means most likely to give actual notice of the order.

For help, contact or visit the
Superior Court, Access Center
Courthouse Lower Level, 939 Main Street, El Centro, CA
accesscenter@imperial.courts.ca.gov (760) 482-2233

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 Main Street
El Centro, CA 92243

Judgment of Dissolution Rejection

To: _____ ☐ *Petitioner* ☐ *Respondent* Case No.: _____

In Re Marriage of: _____

The Court is unable to process the enclosed judgment for the reason(s) indicated below:

1. ☐ Incorrect or no fee tendered. Fee is \$_____. Fee waivers are available for qualified individuals by submitting a Request to Waive Court Costs-Judicial Council Form (FW-001) and Order on Request to Waive Court Fees-Judicial Council Form (FW-003).
2. ☐ The Court does not accept documents with correction fluid (white-out) or any other corrective devise.
3. ☐ The Court requires the matter be set for hearing. Submit Request for Hearing-Local Form (GN-01), or file appropriate motion to bring the matter properly before the Court. A hearing with live testimony is required for a Nullity.
4. ☐ The following documents are required in order to process your request:
 - a) ☐ Summons-Judicial Council Form (FL-110)
 - b) ☐ Proof of Service of Summons-Judicial Council Form (FL-115)
 - c) ☐ Income and Expense Declaration-Judicial Council Form (FL-150)
 - d) ☐ Request to Enter Default-Judicial Council Form (FL-165)
 - e) ☐ Declaration regarding Service of Declaration of Disclosure
 - f) ☐ Child Support Information and Order Attachment-Judicial Council Form (FL-342)
 - g) ☐ Judgment-Judicial Council Form (FL-180)
 - h) ☐ Notice of Entry of Judgment-Judicial Council Form (FL-190) (3 copies)
 - i) ☐ Three stamped envelopes, one addressed to Petitioner and two addressed to Respondent
5. ☐ Declaration for Default or Uncontested Dissolution-Judicial Council form (FL-170),
 - a) ☐ Must be submitted by ☐Petitioner ☐Respondent.
 - b) ☐ Is incomplete. Please review and correct the following items:
 1. ☐ If box 5(a) is checked, submit the original marital settlement agreement with original signatures along with your judgment. If this is a default proceeding, the signature of the defaulted spouse must be notarized. (Family Code § 2338.5)
 2. ☐ If box 5(b)(2) is checked, submit a completed Property Declaration-Judicial Council Form (FL-160).
6. ☐ Property Declaration-Judicial Council Form (FL-160) must be submitted by ☐Petitioner ☐Respondent
7. ☐ Declaration Regarding Service of Declaration of Disclosure-Judicial Council Form (FL-141)
 - a) ☐ Must be submitted by the Petitioner as to service of the Preliminary Declaration of Disclosure (FL-140), which cannot be waived. (Family Code § 2104).

Judgment of Dissolution Rejection

- b) ☐ Must be submitted by the Respondent as to service of the Preliminary Declaration of Disclosure (FL-140), which cannot be waived. (Family Code § 2104).
 - c) ☐ Must be submitted by the Petitioner and Respondent as to the Final Declaration of Disclosure and Income and Expense Declaration or, the parties may stipulate to waive by filing, Stipulation and Waiver of Final Declaration of Disclosure- Judicial Council Form (FL-144). (Family Code §§ 2105, 2106).
8. ☐ Judgment-Judicial Council Form (FL-180);
- a) ☐ Names of the parties and/or children and the birthdates listed on the Judgment must be exactly the same as listed on the Petition.
 - b) ☐ Enter the correct jurisdiction date for service or appearance of Respondent.
 - c) ☐ Nunc Pro Tunc entry of the Judgment requires a court order. (Family Code §23)
 - d) ☐ Petitioner cannot require Respondent to use previous name unless it is agreed to in a marital settlement agreement or stipulated judgment.
 - e) ☐ Custody/visitation order lacks required findings. Attach Child Custody and Visitation Order Attachment (Judicial Council forms FL-341) to Judgment. (Family Code § 3048)
 - f) ☐ Specify amount of child support due per month per child using Judicial Council forms FL-342.
 - g) ☐ If the parties stipulate to the amount of child support, attach Judicial Council form FL-350, Stipulation to Establish or Modify Child Support, or a Marital Settlement Agreement.
 - h) ☐ If the child support amount is above or below the guideline, attach Judicial Council form FL-342(A), Non-Guideline Child Support Findings Attachment.
 - i) ☐ Court is unable to determine guideline support. File Judicial Council forms FL-150 or FL-150S, Income and Expense Declaration
 - j) ☐ If the right to support has been assigned to the Department of Child Support Services, payment must be made to State Disbursement Unit, P.O. Box, 989067, West Sacramento, California 95798. Attach ☐ letter from local child support office as last page of judgment per local rule 5.21(b).
9. ☐ Other _____

For help, contact or visit the
Superior Court, Access Center
939 Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov (760) 482-2233

Dated: _____ SUPERIOR COURT, COUNTY OF IMPERIAL

DEPUTY CLERK

Name of Self-Represented Party or Attorney Address: Telephone: Attorney for: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street, El Centro, CA. 92243	
In re the Marriage of: Petitioner: and Respondent:	
TRIAL BRIEF	Case No.:

Date:
 Time:
 Dept.:
 Judge:

TRIAL BRIEF MUST BE FILED AND SERVED AT LEAST TEN DAYS BEFORE TRIAL DATE

1. I have filed and served a Preliminary Declaration of Disclosure-Judicial Council Form (FL141).
2. The following issues have been resolved by ☐ oral or ☐ written agreement. (Attach copy of written agreement if applicable.)

☐ Continued on attachment

3. The following issues have not been resolved, and I propose the following resolutions:

Issue: _____ Resolution: _____
 Issue: _____ Resolution: _____

☐ Continued on attachment

4. I have attached the following completed forms:

- ☐ Income & Expense Declaration-Judicial Council Form (FL- 150) (with required pay or benefit stubs)
☐ Schedule of Assets & Debts-Judicial Council Form (FL-142)
☐ Property Declaration-Judicial Council Form (FL-160)

5. I request that custody and visitation be awarded as set forth on Child Custody and Visitation Application Attachment-Judicial Council Form (FL-311 and attachments).

6. I request that child support be ordered as follows: \$_____ payable per month from _____ to _____. A Guideline Calculator must be attached and is available online at www.childsup.gov or at the Imperial Court Access Center.

7. I request the following spousal support order: \$_____ payable per month from _____ to _____, based on the following facts. State length of marriage, lifestyle during marriage, your education, work skills, health and age, hardships and efforts to find work.

☐ Continued on attachment

Trial Brief

8. I request the following orders for attorney’s fees and court costs: \$_____ payable from _____
to _____ for _____.

9. For the property listed in the attached Property Declaration (FL – 160), the values are based on:

Property _____	Basis of Value _____
Property _____	Basis of Value _____

☐ Continued on attachment.

10. I intend to call the following witnesses to testify. Attach curriculum vitae for experts.

Witness _____	Address/Phone _____	Subject Matter _____
---------------	---------------------	----------------------

☐ Continued on attachment

11. I intend to introduce the following documents at trial:

☐ Continued on attachment

12. A proof of service on the other party is attached hereto.

Dated: _____

Print Your Name

Your Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street EI Centro, CA 92243	
PETITIONER: RESPONDENT:	
DECLARATION AND ORDER FOR SERVICE BY MAILING AND POSTING IN LIEU OF PUBLICATION	CASE NUMBER:

1. I am the Petitioner in the above entitled case. The following facts are stated on personal knowledge.
2. I have been granted a fee waiver by this court. I cannot proceed further with this case solely due to my inability to pay the costs of service.
3. I am seeking a dissolution of marriage in good faith.
4. Respondent's last known address is: _____.
5. I do not know the present whereabouts of Respondent.
6. I have contacted the following persons and agencies in an attempt to find Respondent:

	Name/Address	Relationship	Date of Contact	Result of Contact
a.				
b.				
c.				
d.				

CASE NUMBER: _____

DECLARATION AND ORDER FOR SERVICE BY MAILING AND POSTING IN LIEU OF PUBLICATION

7. I am not able to pay the costs of publishing the Summons in this case.
8. I request that this court allow Respondent to be served at his/her last known address by mailing and posting, pursuant to *Cohen vs. Board of Supervisors* (1971) 20 Cal. App. 3d 236 and CCP§ 413.30.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at _____, California.

Date: _____

Signature: _____

Print Name: _____

ORDER

IT IS ORDERED that service of the Summons and Petition in this action be made upon Respondent by mailing to Respondent's last known address, and by posting in a public place, namely, the bulletin board at the front door of the Superior Court, 939 Main Street, El Centro, CA. Service shall be effective 30 days after posting. IT IS FURTHER ORDERED that a copy of the Summons and Petition be personally served on Respondent if his or her whereabouts be discovered prior to the entry of default.

Date: _____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: _____ RESPONDENT: _____	
Attachment 3d to Proof of Service of Summons FL-115 Declaration of Service by Mailing and Posting in Lieu of Publication (CCP § 413.30)	CASE NUMBER: _____

1. I, the undersigned, declare as follows: I am over the age of 18 years and not a party to this case.

2. Pursuant to a court order dated _____,

- a. On _____, I mailed a copy of the Summons and Petition, in an envelope addressed to Respondent, postage prepaid, to Respondent at his/her last known address of:

Address					
City		State		Zip	

- b. On _____, I posted a copy of the Summons and Petition on _____ in one public place, namely, the public bulletin board at the front door of the Superior Court, 939 Main Street, El Centro CA.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at _____, California.

Date: _____

Signature: _____

Print Name: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

**Service of Summons by Mailing and
Posting in Dissolution Cases (\$1.00)**

In dissolution of marriage cases brought in good faith, if a party is unable to proceed with the case solely because of inability to pay court fees and costs for service of process, the court may direct that service of summons be made by mail to respondent's last known address combined with posting.

HOW TO SERVE SUMMONS BY MAILING AND POSTING IN A DISSOLUTION CASE

1. Complete Declaration and Order for Service by Mailing and Posting in Lieu of Publication Local Form FL-09.
2. Submit the completed form to the family law filing clerk, who will present the Declaration and Order to the judicial officer for signature.
3. If the judicial officer grants the order, have someone else mail a copy of the documents to be served to respondent at his/her last known address, *and* post a copy of the documents to be served in a public location at the court, namely the public bulletin board at the front door of the Superior Court, 939 Main Street, El Centro CA.
4. Have the person who mailed and posted the documents complete Proof of Service of Summons - Judicial Council Form (FL-115), and Attachment 3d to Proof of Service of Summons-Local Form (FL-10).
5. After 60 more days, default may be entered against respondent if he/she has not filed a response.

Legal Background of Service by Mailing and Posting

Due process of law prohibits a state from denying access to its courts by indigents who seek a good faith dissolution of their marriage solely because of inability to pay court fees and costs for service of process. *Boddie vs. Connecticut*, 401 U.S. 371. The court stated that "...service at defendant's last known address by mail and posted notice is equally as effective as publication in a newspaper." *Boddie*, supra, at 382. In California, CCP 415.50 allows service by publication when the party to be served cannot with reasonable diligence be served in other specific manner. CCP 413.30 provides that where no provision is made for service of summons, the court may direct that summons be served in a manner reasonably calculated to give actual notice to the person to be served. In the California case, *Cohen vs. Board of Supervisors* (1971) 20 Cal. App. 3d 236, the Court of Appeal said service at defendant's last known address and posting is service in such a manner.

For help contact or visit the
Superior Court, Access Center
939 Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov 760-482-2233

MARITAL SETTLEMENT AGREEMENT

In re Marriage of: _____ Case Number: _____

1. ☐ We have the following minor child or children:

Name: _____
DOB: _____

Name: _____
DOB: _____

Name: _____
DOB: _____

Name: _____
DOB: _____

To list any other minor children, attach form MC-020 or attach a sheet of paper and write Additional Minor Children with name and date of birth of each child.
Check here if you attach another page ☐

2. ☐ Custody of and visitation with the children shall be awarded as set forth on the attached Child Custody and Visitation Order Attachment-Judicial Council Form (FL-341) OR mediation agreement.
3. ☐ Child support for the minor children shall be ordered as set forth on the attached: Child Support Information and Order Attachment-Judicial Council Form (FL-342)
OR
☐ Child support is payable through Department of Child Support Services (see attached notice from DCSS).
4. ☐ Health insurance coverage shall be maintained and health care expenses paid as set forth on the attached: Child Support Information and Order Attachment-Judicial Council Form (FL-342).
5. Regarding spousal support (*choose only one*):
☐ Each party waives the right to receive spousal support, and requests that the court terminate jurisdiction to award future spousal support to the other party.
☐ Spousal support is ordered as set forth in the attached Spousal, Partner, or Family Support Order Attachment-Judicial Council Form (FL-343).
☐ Petitioner/Respondent (*choose one*) shall pay to Petitioner / Respondent (*choose one*) as and for spousal support the sum of \$ _____ per month, commencing _____ and continuing until _____. If no termination date is specified, said support shall continue until the death of either party, remarriage of the supported party, or further order of the court.
6. ☐ The division of community and separate property assets and debts is set forth on the attached:
☐ Property Order Attachment to Judgment-Judicial Council Form (FL-345) OR
☐ There is no property or debt to be divided.

Other: _____

Case Number: _____

MARITAL SETTLEMENT AGREEMENT

7. ☐ The parties stipulate this cause may be tried as an uncontested matter. Each party enters into this waiver knowingly, intelligently and voluntarily, and understands that this waiver does not limit the legal disclosure obligations of the parties.
8. ☐ Each party declares that they have completed and served on the other party a Preliminary Declaration of Disclosure -Judicial Council Form (FL-140) in compliance with Family Code section 2104.
9. ☐ Service of the Final Declaration of Disclosure is waived under Family Law Code Section 2105 (d). Each of us declares under penalty of perjury under the laws of the State of California that the information contained in these paragraph(s) 7,8,& 9, are true and correct.
10. ☐ Pursuant to Government Code § 70671, no filing fee shall be required because it is intended that this marital settlement agreement shall be incorporated into the decree of dissolution of marriage.

Dated: _____
_____ Petitioner

Dated: _____
_____ Respondent (Notarization required if Response not filed.)

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA COUNTY OF (specify): _____

On (date): _____ before me (name and title): _____

personally appeared name: _____,

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(NOTARY SEAL)

Signature of Notary Public

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Marital Settlement Agreement (\$2.00)

In order to finish a case for dissolution of marriage, legal separation or nullity, there must be a judgment entered. A judgment can be obtained following a court trial, a default of one party by the other, or by mutual agreement of the parties.

If the parties to a dissolution, legal separation or nullity both agree to settle the case, complete the Marital Settlement Agreement-Local Form (FL-11), with the following attached Judicial Council forms if applicable:

- Child Custody and Visitation Order Attachment (FL-341)
- Child Support Information and Order Attachment (FL-342)
- Spousal, Partner or Family Support Attachment (FL-343)
- Property Order Attachment to Judgment (FL-345)

Note: In a default case, the signature of the respondent on the marital settlement agreement must be notarized.

Attach the completed and signed Marital Settlement Agreement and applicable attachments to the Judgment (FL-180). Submit the Judgment with the other documents required to complete the case.

For help, contact or visit the
Superior Court, Access Center
939 Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov (760) 482-2233

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street EI Centro, CA 92243	
PETITIONER: RESPONDENT:	
EX PARTE APPLICATION FOR ISSUANCE OF LETTER ROGATORY FOR SERVICE OF PROCESS ABROAD; ORDER	CASE NUMBER:

Application is hereby made for an order directing issuance of a letter rogatory for service of process abroad. Applicant requests that the summons, petition and accompanying documents in this action be served on respondent in Mexico with the assistance of appropriate judicial authorities. In support of this application the undersigned states:

1. The petition was filed on _____, and summons was issued on that same date.
2. Respondent is a proper party to this action.
3. Respondent's last known address was:

Address					
City		State	MEXICO	Zip	

4. Respondent cannot be served by any other method because

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Petitioner

CASE NUMBER: _____

ORDER FOR ISSUANCE OF LETTER ROGATORY

On reading petitioner's application for this order, and it satisfactorily appearing to me that respondent cannot with reasonable diligence be served in any other manner specified in Code of Civil Procedure §§ 415.10 through 415.40, and that a cause of action exists in favor of petitioner against respondent, and that respondent is a proper party to this action, IT IS ORDERED that a letter rogatory issue requesting international judicial assistance in serving the summons, petition and accompanying documents on respondent in Mexico.

Dated: _____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
PETITION FOR JOINDER (Custody/Visitation)	CASE NUMBER:

Claimant alleges as follows:

1. Claimant's relationship to the following minor children is: _____

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

To list any other minor children, attach form MC-020 or attach a sheet of paper and write Additional Minor Children. Check here if you attach another page ☐

2. Each child named above is currently living with:

☐ Petitioner
☐ Respondent
☐ Other (specify) _____ in _____ County.

3. Claimant requests that the court grant the following orders:

- Reasonable visitation with the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
- Custody of the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
- Other: _____

4. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at _____, California.

Date: _____

Signature: _____

Print Name: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Child Custody/Visitation Joinder Packet (\$2.00)
(California Rules of Court 5.154, 5.158)

A non-parent, including a grandparent, may ask for child custody or visitation in a pending dissolution or custody case. (If there is already a judgment, joinder is unavailable).

Joinder forms included are:

- Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
- Responsive Declaration to Motion for Joinder/Consent Order of Joinder – Judicial Council Form (FL-373)
- Proof of Service by Mail – Judicial Council Form (FL-335)
- Summons (Joinder) – Judicial Council Form (FL-375)
- Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
- Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
- Decl. Under Uniform Child Custody Jurisdiction & Enforcement Act – (FL-105)
- Proof of Personal Service – Judicial Council Form (FL-330).

This process involves several steps:

1. Complete the following forms:
 - Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
2. File the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a copy of these forms attached:
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
3. Have someone else serve a copy of the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a copy of these forms attached:
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

AND a blank:

 - Responsive Declaration to Motion for Joinder – Judicial Council Form (FL-373)

Child Custody/Visitation Joinder Packet

Have the person who served the documents complete and file either a **Proof of Service by Mail** Judicial Council Form (FL-335) or a **Proof of Personal Service** Judicial Council Form (FL-330).

4. Attend the hearing. If the motion for joinder is granted, file the following forms:
 - Petition for Joinder – Local Form (FL-13),
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement ActAsk the filing clerk to issue the Summons – Judicial Council Form (FL-105).
5. Have someone else serve a copy of the Summons, Petition for Joinder, Child Custody and Visitation Application Attachment, and Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act on each of the parties personally. The person who served these documents must complete and file a Proof of Personal Service (either page 2 of the Summons, or Proof of Personal Service FL-330) for each person served.
6. Once the proofs of service have been filed, the joinder process is complete. You may then file papers to obtain the child custody or visitation rights you are seeking by filing a Notice of Motion-Judicial Council Form (FL-310) and Application for Order and Supporting Declaration-Judicial Council Form (FL-310).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
READINESS CONFERENCE OPTION	

☐ Petitioner ☐ Respondent requests setting of a **READINESS CONFERENCE** due to filing of:

- ☐ Petition
- ☐ Notice of Motion/Order to Show
- ☐ Default
- ☐ Response
- ☐ Mediation

Dated: _____

Signature of party

Print or type name of party

On or before (date): _____ **Dept:** Courthouse Lower Level Access Center

Address of Court: Superior Court, County of Imperial 939 West Main Street, El Centro, CA 92243

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street EI Centro, CA 92243	
PETITIONER: RESPONDENT:	
PETITION FOR GRANDPARENT VISITATION (Family Code § 3104)	CASE NUMBER:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

2. Petitioner(s) are seeking reasonable visitation rights with the minor child(ren).

3. There is a preexisting relationship between the grandparent(s) and the grandchild(ren) that has created a bond such that visitation is in the best interest of the child(ren).

4. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist (mark all that apply):

- ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
- ☐ One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse;
- ☐ One of the parents joins in the petition with the grandparent;
- ☐ The child is not residing with either parent;
- ☐ The child has been adopted by a stepparent.

5. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____

6. ☐ The parents of the child(ren) have never been married.

PETITION FOR GRANDPARENT VISITATION

7. ☐ The mother of the minor child(ren) is deceased.

8. ☐ The father of the minor child(ren) is deceased.

9. Each child named above is currently living with, _____
(state name and relationship to child(ren))
in County: _____, State: _____.

10. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

11. PARENTAL CONSENT TO REQUEST FOR GRANDPARENT VISITATION: I consent to and join in this Petition for Grandparent Visitation.

Date: _____

Print Name of Parent of Minor Child(ren)

Signature of Parent of Minor Child(ren)

Petitioner(s) request(s) that the court grant reasonable visitation with the following children together with such other relief as the court deems just, pursuant to California Family Code Sections 3100, 3102, and 3104.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed

at _____, California.

Date: _____

Signature of Petitioner _____

Print Name: _____

Date: _____

Signature of Petitioner _____

Print Name: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Grandparent Visitation (\$1.00)

A grandparent may request visitation with a grandchild by filing a petition for visitation. If the parents of the grandchild are married, the grandparent may file a petition for visitation **ONLY IF**:

- The parents are now living separately and apart on a permanent or indefinite basis;
- One parent has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse;
- One of the parents joins in the petition with the grandparent;
- The child is not residing with either parent; or,
- The child has been adopted by a stepparent.

The court may grant reasonable visitation rights with a grandchild **ONLY IF** both:

- The court finds that there is a prior relationship between the grandparent and the grandchild that created a bond such that visitation is in the best interest of the child, and
- In deciding the matter, the court balanced the interest of the child(ren) in having visitation with the grandparents against the right of the parent to exercise their parental authority.

The court's decision may depend upon whether the child's parent(s) object(s) to visitation by the grandparent, and upon whether the visitation would conflict with a right of custody or visitation of a parent who is not a party to the proceeding.

Starting a case:

- Petition for Grandparent Visitation – Local Form (FL-15)
- Summons – Judicial Council Form (SUM-100)
- Proof of Personal Service – Judicial Council Form (FL-330)

The petitioner shall give notice of the petition by personal service under Code of Civil Procedure Section 415.10 to: Each of the parents of the child, any stepparent, and any person who has physical custody of the child.

Grandparents and Other Close Relatives Where One or More Parents is Deceased-California Family Code Section 3102

If either parent of a minor child is deceased, the children, siblings, parents and grandparents of the deceased parent may be granted reasonable visitation with the child upon a finding that the visitation would be in the best interest of the child. See California Family Code Section 3102 for more details.

For help, contact or visit the
Superior Court, Access Center
Courthouse Lower Level 939 Main Street, , El Centro, CA.
accesscenter@imperial.courts.ca.gov (760) 482-2233

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION FOR GRANDPARENT VISITATION (Fam. Code § 3104)	CASE NUMBER: _____

Respondent admits, denies and alleges as follows:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) and Respondent is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

2. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist(mark all that apply):

- ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
☐ One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse;
☐ One of the parents joins in the petition with the grandparent;
☐ The child is not residing with either parent;
☐ The child has been adopted by a stepparent.

3. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____.

4. ☐ The parents of the child(ren) have never been married.

RESPONSE TO PETITION FOR GRANDPARENT VISITATION

5. ☐ The mother of the minor child(ren) is deceased.
6. ☐ The father of the minor child(ren) is deceased.
7. Each child named above is currently living with _____
(name), _____ (relationship to child(ren)), in _____
County, _____ (state), _____ (country).
8. Respondent objects to Petitioner's request for visitation rights with the minor child(ren) because:

9. ☐ Visitation is not in the best interest of the children because there is not a preexisting relationship between the Petitioner and the grandchild(ren).
10. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.
11. PARENTAL OBJECTION TO PETITIONER'S REQUEST FOR GRANDPARENT VISITATION: I object to the Petition for Grandparent Visitation.

Date: _____

Signature of Parent of Minor Child(ren)

Print Name of Parent of Minor Child(ren)

12. Respondent(s) request(s) that the court deny Petitioner's request for visitation and for such other relief as the court deems just.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at _____, California.

Date: _____

Signature of Respondent

Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street EI Centro, CA 92243	
PETITIONER: RESPONDENT:	
ORDER ON REGISTRATION OF OUT-OF-STATE <input type="checkbox"/> SUPPORT ORDER <input type="checkbox"/> INCOME WITHHOLDING ORDER	CASE NUMBER: _____

1. Notice of Registration of Out of State Support Order-Judicial Council Form (FL-570).
 A copy of the registration statement with a copy of the out of state order was sent by
 the Clerk of the Court to _____ by first class mail on
 (date):_____.

2. ☐ A Request for Hearing Regarding Registration of Support Order and/or Income
 Withholding Order-Judicial Council Form (FL-575) was NOT filed and this
 proceeding was heard by default.

OR

☐ A Request for Hearing Regarding Registration of Support Order and/or Income
 Withholding Order-Judicial Council Form (FL-575) was filed on (date):
 _____ and this proceeding was heard as follows:

This proceeding was heard as a contested matter:

On (date):_____ at (time)_____ in Dept._____

by Judge (name):

- ☐ Petitioner present
☐ Respondent present
☐ Other present

- ☐ Temporary Judge
☐ Attorney present (name):
☐ Attorney present (name):
☐ Attorney present (name):

THE COURT ORDERS:

3. ☐ Out of State Support Order is confirmed
4. ☐ Out of State Support Order is *not* confirmed
5. ☐ Out of State Income Withholding Order is confirmed
6. ☐ Out of State Income Withholding Order is *not* confirmed
7. ☐ Other:

Date:_____

 Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 Main Street El Centro, CA 92243 BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____	
REQUEST FOR HEARING	CASE NUMBER: _____

HEARING DATE: _____

TIME: _____

_____ Default Dissolution

_____ Default Civil

Issue: _____

_____ Restoration upon Completion of Mediation

_____ Adoption

_____ Summons has been served and filed with Clerk

_____ Minor's Compromise

_____ Other _____

Signature of Party or Attorney

Type or Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 415 East Fourth Street, Calexico, CA 92231 PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
EX PARTE REQUEST TO CONTINUE HEARING; DECLARATION AND ORDER	CASE NUMBER:

1. I, ☐ plaintiff/petitioner ☐ defendant/respondent hereby apply for a court order continuing the hearing/motion.
2. A hearing/motion in this matter is scheduled for (*date*): _____.
3. The hearing/motion was filed by ☐ plaintiff/petitioner ☐ defendant/respondent ☐ court.
4. I ask the court to continue my hearing/motion until (*approximate date*): _____ or
☐ take hearing/motion off calendar.
5. I am requesting a continuance due to the following: _____
6. _____

7. The parties listed below have been served with a copy of this *Ex Parte Request to Continue Hearing; Declaration and Order*:
 - 1) _____, who lives in: _____, was served on: _____

Name *county* *date*
 - 2) _____, who lives in: _____, was served on: _____

Name *county* *date*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name
Sign here

EX PARTE REQUEST TO CONTINUE HEARING; DECLARATION AND ORDER

ORDER

Case Number _____

UPON GOOD CAUSE, IT IS HEREBY ORDERED that the hearing/motion presently scheduled for _____ at _____ am/pm in Department _____ is rescheduled as follows:

Date: _____ Time: _____ Department: _____

Name and address of court if different than address above:

Or

☐ the hearing/motion is taken off calendar.

☐ request is **DENIED**.

.

The clerk will mail a copy of this order to:

- a. ☐ The party who requested the continuance.
b. ☐ All parties at the address listed in the court's records.

Date: _____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)	CASE NUMBER:

The parties and/or their attorneys stipulate that the matter is at issue and that this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management timelines.

_____ Court Ordered Non-Binding Arbitration (Cases valued at \$50,000 or less)

_____ Private Mediation

_____ Private Binding Arbitration

_____ Other (specify): _____

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral:

_____.

Date: _____

Date: _____

Name of Plaintiff/Petitioner

Name of Defendant/Respondent

Signature of Plaintiff/Petitioner

Signature of Defendant/Respondent

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature of Attorney

Signature of Attorney

**Superior Court of California
County of Imperial
Alternative Dispute Resolution Information**

NOTICE: In all general civil cases, plaintiff and cross-complaints are required to serve this form on each defendant or new party to the action.

Alternative Dispute Resolution (ADR) may help resolve disputes without trial. ADR is usually less expensive, less formal and less time consuming than a trial. ADR can also be less adversarial and may provide parties with the opportunity for more creative and/or flexible outcomes than can be achieved in trial. Since various ADR methods may or may not be appropriate in any particular case, it is advisable to consult with an attorney about options available.

Mediation

An impartial person called a "mediator" helps the parties try to reach a mutually agreeable resolution of the dispute. The outcome is decided only by the parties. If the parties do not reach an agreement, the mediator does not make any decisions or recommendations to the court. Mediation is useful when the parties have a relationship they wish to preserve. Mediation may not be as useful if one of the parties is unwilling to compromise, or if one party has significant power over the other. The only court sponsored mediation service available in the Imperial Superior Court is for child custody and visitation.

Arbitration

An impartial person called an "arbitrator" listens to evidence and argument from both sides and then decides the outcome. Arbitration is less formal than a trial, and the rules of evidence may be relaxed. Pursuant to Imperial Superior Court Local Rules, Division 5 - Arbitration, Rule 3.5.0, all non-exempt unlimited civil cases where the amount in controversy does not exceed \$50,000 as to any plaintiff, and all limited civil cases shall be submitted to arbitration under CCP 1141.10 et seq.

Settlement Conference

The parties and their attorneys meet with a judicial officer to discuss possible settlement of the dispute. The judicial officer assists the parties in evaluating the strengths and weaknesses of the case, but does not make any decision. Settlement conferences are scheduled upon request of the parties and order of the judge assigned to the case.

Additional Information

For information on Superior Court of California, County of Imperial's arbitration process see the Local Rules at www.imperial.courts.ca.gov and Stipulation to Use of Alternative Dispute Resolution Process, Local Form GN-02.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
JUVENILE DIVISION
CERTIFICATION OF COMPETENCY

I, _____ (name) _____
(office address) _____ (telephone number), am an attorney at law licensed to practice in
the State of California. My State Bar Number is _____. I hereby certify that I meet
the minimum standards for practice before a Juvenile Court set forth in California Rules of Court,
rule 1438, and Local Rule VIII, and that I have completed the minimum requirements for training,
education and/or experience as set forth below.

Training and Education: (Attach copies of MCLE certificates or other documentation of
attendance.)

<u>COURSE TITLE</u>	<u>DATE COMPLETED</u>	<u>HOURS</u>	<u>PROVIDER</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Juvenile Dependency Experience:

<u>CASE NO.</u>	<u>NUMBER OF CON-</u> <u>TESTED HEARINGS</u>	<u>DATE OF LAST</u> <u>APPEARANCE</u>	<u>PARTY REPRESENTED</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: _____

Signature

Name of Attorney or Party without Attorney: Address: Telephone: Attorney for:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL Juvenile Division	
Name of the Dependant Child	
DECLARATION RE NOTICE OF EX PARTE APPLICATION	Case No.:

I, the undersigned, declare:

1. I am ☐ counsel ☐ social worker ☐ mother ☐ father ☐ minor ☐
Department of Family and Children's Services or ☐ other (explain)

_____ in this dependency action.

2. Pursuant to Juvenile Court Local Rules, I have given notice of, and a copy of this application for ex parte orders to, the following persons: _____

Notice to the above named persons was given in the following manner:

☐ telephone at _____ ☐ a.m. ☐ p.m.

☐ letter ☐ mailed ☐ hand delivered to (insert name and address):

_____, on _____, _____

3. I have received the following response: _____

4. I have not given notice of this application for ex parte orders for the following reason(s):

☐ a. Would frustrate the purpose of the orders requested.

☐ b. Minor child would suffer immediate and irreparable harm before the orders could issue.

☐ c. No significant burden or inconvenience to responding party will result from the orders requested.

☐ d. I made reasonable, good faith efforts to give notice, as follows:

☐ e. Other: _____

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed at _____, California, on _____

(DATE)

Declarant

GUIDELINES FOR ASSESSMENT AND
COLLECTION OF COSTS FOR COURT-RELATED SERVICES

1. Policy and Authority. Based on ability to pay, it shall be the policy of the Imperial County Court System to assess sums representing costs for legal services, probation related services and court-appointed investigations, as hereinafter set forth. Specifically, assessments shall be made to individuals for services as follows:

- (a) adult defendants for costs of legal services provided by court-appointed counsel (Penal Code Section 987.8);
- (b) convicted defendants for services rendered by the Probation Department as referenced by Penal Code Section 1203.1b;
- (c) parents or other persons responsible for the support of minors for legal services provided in either juvenile delinquency or dependency proceedings (Welfare & Institutions Code Section 903.1)¹; and (d) parents (or other persons seeking custody or visitation) in family law matters where the Court directs the Probation Department (or other court-appointed investigator) to conduct custody/visitation evaluation or supervision (Family Code Section 3112).²

2. Costs for Services. In each case where the Court determines ability to pay, the Court shall make an order requiring the appropriate person or persons to pay for all or part of the costs incurred for services referenced under 1 above, as further discussed below. To assist the Court with respect to determination of amounts to be assessed, the Public Defender, other court-appointed counsel and Probation Department shall provide information as set forth below:

- (a) Public Defender and Other Court-Appointed Counsel. The Public Defender and other attorneys who provide criminal defense services, or services in Juvenile Court, by Court appointment, shall annually establish an hourly fee which shall represent the average hourly cost of providing such services. (Government Code Section 27712).³ Said counsel shall keep a record of the time devoted on a case by case basis so as to be able to advise the Court and Probation Department of the amount of time devoted to a case as of the time of disposition.
- (b) Probation Department. As required by Penal Code Section 1203.1b, the Probation Department shall develop a payment schedule for reimbursement for the costs of preplea or presentence investigations based on income. The Probation Department shall likewise submit information relating to the bases of its charges for other services referenced by Section 1203.1b and for civil custody and/or visitation related services as referenced in 1(d) above. Charges imposed for services rendered by the Probation Department shall not exceed the actual average cost thereof.

¹In addition to assessments for costs incurred in providing legal services to minors in dependency proceedings, assessments shall be made for legal services provided in such proceedings to other family members as authorized by Section 903.1 of the Welfare & Institutions Code.

²Assessments may be in addition to those made for costs of mediation.

³Hourly rates established for legal services provided in Juvenile Court proceedings shall be submitted to the Board of Supervisors for approval so as to comply with Section 904 of the Welfare & Institutions Code.

3. Determination of Ability to Pay; Recommendation by Probation. Every court order which requires a defendant (parent or other responsible person) to reimburse the County for all or a portion of costs for services incurred, shall be based on ability to pay. In determining ability to pay, the following procedures shall be followed:

(a) Financial Disclosure. Completion of financial disclosure forms shall be required as follows:

(1) Each adult defendant who requests appointment of either the Public Defender or other court-appointed counsel shall be required to complete a financial disclosure statement as authorized by Penal Code Section 987(c).⁴

(2) Parents (or other responsible persons) shall be required to complete financial disclosure statements in cases involving minors in juvenile delinquency or dependency cases in Juvenile Court.

(3) Parents (or other persons seeking custody or visitation) in family law disputes shall be required to provide income and expense statements as required by the Family Code. (Applications for fee waivers may also be submitted as authorized by law.)

(b) Interview and Evaluation By Probation. In every case where the Court intends to issue an order requiring a defendant (or parent or other responsible person) to pay costs incurred for services rendered as referenced under 1 above, the Court may require the defendant (parent or other responsible person) to be interviewed by a representative from the Probation Department concerning his or her ability to pay for costs of services. The Court may also direct the responsible person) to make payments.⁵

(c) Recommendation by Probation. Upon request by the Court, the Probation Department shall in writing recommend the amount of payment and the manner in which payments shall be made to the County, based upon the defendant's (or parent's or other responsible person's) ability to pay. The Probation Department's recommendation shall contain a summary of the facts upon which it is based; and, it shall take into account, without limitation, the amount of any fine imposed and the amount of any restitution ordered paid.

(d) Right to Hearing. A copy of the written recommendation of the Probation Department, if any, shall be provided to the defendant (or parent or other responsible person) and to court-appointed counsel. The defendant (or parent or other responsible person) shall be advised the recommendation is not final until ordered by the Court and that the defendant (or parent or other responsible person) is entitled to a hearing if in disagreement with the recommendation.

⁴A defendant who is bound-over after having been provided court-appointed counsel by the Municipal Court may be required to complete a new or supplemental financial disclosure statement on requesting court-appointed counsel by the Superior Court.

⁵So as to comply with Welfare & Institutions Code Section 903.45, request shall be made of the Board of Supervisors to designate the Chief Probation Officer as county financial evaluation officer pursuant to Section 27750 of the Government Code. (Refer also to Welfare & Institutions Code Section 903.45.)

4. Order For Payment; Hearing.

- (a) When a defendant (parent or other responsible person) agrees with the recommendation of the Probation Department, the Probation Department shall prepare a proposed order, containing the written consent of the defendant (or parent or other responsible person); and, shall submit the same to the Court for signature.⁶
- (b) If the defendant (parent or other responsible person) does not agree with the recommendation of the Probation Department, a hearing shall be scheduled before the Court to determine the amount of payment, if any, and the manner in which payments shall be made. The following rules shall apply to the hearing:
 - (1) The defendant (parent or other responsible person) shall be entitled to the opportunity to be heard in person, to disclosure of evidence against him or her, to present witnesses and other documentary evidence and to confront and cross-examine the representative of the Probation Department, who prepared the recommendation, and any other adverse witnesses.
 - (2) At the hearing, if the Court determines the defendant (parent or other responsible person) has the ability to pay all or part of the costs, the Court shall set the amount to be reimbursed and order the defendant (or parent or other responsible person) to pay that sum to the County in the manner in which the Court believes reasonable and compatible with his or her financial ability.⁷

5. Collections. The Probation Department (with the assistance of the office of County Counsel) shall be responsible for collecting sums ordered paid pursuant to these guidelines. Subject to approval by the Board of Supervisors, collection procedures may be developed which involve utilization of outside collection agencies.

⁶It is the Court's intention the order when so signed and entered shall have the force and effect of a judgment.

⁷When the Court determines that the defendant's (parent's or other responsible person's) ability to pay is different from the recommendation of the Probation Department, the Court shall state on the record the reason for its order.

With the consent of the defendant (parent or other responsible person), the Court may at the hearing direct the Probation Officer and defendant (parent or other responsible person) to further meet to work out a schedule for making payments to satisfy the amount ordered for payment by the Court. (The order when signed and entered shall have the force of a judgment.)

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 415 East Fourth Street, Calexico, CA 92231 <input type="checkbox"/> 2124 Winterhaven Dr., Winterhaven, CA 92283	
PLAINTIFF(S): DEFENDANT(S):	
DECLARATION OF REPRESENTATIVE OF PARTY FOR SMALL CLAIMS COURT (CCP § 116.540)	CASE NUMBER:

I declare under penalty of perjury that I am over the age of 18 years and if sworn as a witness would testify as follows:

I am authorized to appear for _____, a party herein, on the basis set forth below.

_____ **Corporation:** I am a regular employee, or a duly appointed or elected officer or director, who is employed, appointed, or elected for purposes other than only to represent the corporation in small claims court.

_____ **Partnership:** I am either a partner, a regular employee, or a duly appointed or elected officer or director, who is employed, appointed, or elected for purposes other than only to represent the party in small claims court.

_____ **Sole Proprietorship:** (a) The claim can be proved or disputed by evidence of an account that constitutes a business record as defined in Evidence Code § 1271, and there is no other issue of fact in the case. (b) I am a regular employee of the party for purposes other than only to represent the party in small claims court, and I am qualified to testify to the identity and mode of preparation of the business record.

_____ **Military Duty Out of State:** The plaintiff will not personally appear, has submitted declarations to serve as evidence supporting his or her claim, is serving on active duty in the United States Armed Forces outside of this state, was assigned to his or her duty station after his or her claim arose and the assignment is for more than 6 months. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____ **Incarceration:** The party is incarcerated in a county jail, a Department of Corrections or Juvenile facility, will not personally appear and has submitted declarations to serve as evidence supporting his or her claim. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____ **Nonresident Owner of Real Property:** Defendant owner of real property does not live in Californian and is defending against a claim relating to property located here. Defendant has submitted written declarations to serve as evidence supporting his or her defense, allowing me to appear and participate on his or her behalf. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____ **Owner of Rental Real Property:** I am a property agent under contract with the owner of rental real property to manage the rental of real property involved herein, the owner has retained me principally to manage the rental of that property and not principally to represent the owner in small claims court, and the claim relates to the rental property.

_____ **Association Created to Manage Common Interest Development (CC § 1351):** I am an agent, a management company representative, or a bookkeeper appearing on behalf of the association.

_____ **Husband or Wife:** I am suing or being sued with my spouse, the claim is a joint claim, my spouse has given his or her consent, and the interests of justice would be served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, at _____.

Signature of Representative

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER:	FOR COURT USE ONLY
ATTORNEY FOR (NAME):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 415 East Fourth Street, Calexico, CA 92231 <input type="checkbox"/> 2124 Winterhaven Dr., Winterhaven, CA 92283	
PLAINTIFF(S): DEFENDANT(S):	
NOTICE OF APPEAL; NOTICE OF FILING OF APPEAL SMALL CLAIMS (CCP § 116.710)	CASE NUMBER:

To: Plaintiff (Name and address):	To: Defendant (Name and address):
To: Plaintiff (Name and address):	To: Defendant (Name and address):

NOTICE OF APPEAL

I appeal to the superior court, as provided by law from ☐ the small claims judgment, or ☐ the denial of the motion to vacate the small claims judgment.

Date Appeal Filed (clerk to insert date):

_____ (TYPE OR PRINT NAME OF APPELLANT)	_____ (SIGNATURE OF APPELLANT OR APPELLANT'S ATTORNEY)
<input type="checkbox"/> I am an insurer of defendant (name) _____ in this case. The judgment against defendant exceeds \$2,500, and the policy of insurance with the defendant covers the matter to which the judgment applies.	
_____ (NAME OF INSURER)	_____ (SIGNATURE OF DECLARANT)

NOTICE OF FILING OF APPEAL

Your small claims case as been APPEALED to the superior court. Do not contact the small claims court about this appeal. The superior court will notify you of the date you should appear in court. The notice of appeal is set forth below.	La decision hecha por la corte para reclamos judiciales menores en su caso ha sido APELADA ante la corte superior. No se ponga en contacto con la corte para reclamos judiciales menores acerca de esta apelación. La corte superior le notificar las fecha en que usted debe presentarse ante ella. El aviso de la apelación aparece a continuación.
---	---

Date: _____ Kristine S. Kussman, Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action. This Notice of Appeal and Notice of Filing of Notice of Appeal were mailed first class, postage prepaid, in a sealed envelope to ☐ plaintiff ☐ defendant at the address(es) stated above. The mailing and this certification occurred at (place) _____, California on (Date): _____.

Date: _____ Kristine S. Kussman, Clerk, by _____

_____, Deputy

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